

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; SECTION 2.2 TERMS DEFINED; ARTICLE XIV ONE FAMILY DWELLING R-1A TO R-1B DISTRICT, SECTION 14.2 USES PERMITTED; ARTICLE XV TWO FAMILY DWELLING R-2 DISTRICT, SECTION 15.2 USES PERMITTED; ARTICLE XVI MULTIPLE FAMILY DWELLING R-3 DISTRICT, SECTION 16.2 USES PERMITTED; ARTICLE XXII COMMUNITY BUSINESS B-2 DISTRICT, SECTION 22.3 PERMITTED USES; ARTICLE XXIII LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3 PERMITTED USES; ARTICLE VII TRANSIT ORIENTED CORRIDOR - CORRIDOR TOC-C DISTRICT, SECTION 7.3 PERMITTED USES; ARTICLE XI COMMUNITY FACILITY CF-1 DISTRICT, SECTION 11.3 PERMITTED USES; PROVIDING FOR MINIMUM STANDARDS; PROVIDING FOR CONSISTENCY WITH FLORIDA STATUTES; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

Sec. 2.2 - Terms defined.

Accessory building or structure: A subordinate building or structure on the same plot with, or a part of, the main building which is occupied by, or devoted to, an accessory use. Such building or structure shall comply with the following general requirements:

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

- 1
- 2 (a) Is located only in the side or rear yards of the
3 principal building; and
- 4
- 5 (b) No accessory structure shall be located within a
6 platted or recorded easement; and
- 7
- 8 (c) In no case shall an accessory structure be taller than
9 the associate principal structure.
- 10

11 *Accessory dwelling unit:* An apartment not greater than six
12 hundred (600) square feet sharing ownership and utility with
13 a single-family residence.

14 *Accessory use:* A use that is naturally and customarily
15 incidental to, subordinate to, and subservient to the
16 principal use and is permitted on the subject lot after the
17 principal structure is permitted. Such uses shall comply
18 with the performance criteria set forth below:

- 19 (a) Is located on the same lot as the principal use; and
- 20
- 21 (b) Contributes to the comfort, convenience, or necessity
22 of the principal use; and
- 23
- 24 (c) Does not exceed twenty-five (25) per cent of the gross
25 floor area of the principal use; and
- 26
- 27 (d) Is operated and maintained under the same ownership as
28 the permitted principal use.
- 29
- 30

31 *Adult bookstore:* Any establishment having as a substantial
32 or significant portion of its stock-in-trade, books,
33 magazines, and other periodicals which are distinguished or
34 characterized by their emphasis on matter depicting,
35 describing or relating to "specified sexual activities" or
36 "specified anatomical areas", as defined in section 35.1(A)
37 of this appendix, or an establishment with a segment or
38 section devoted to the sale or display of such material.

39 Adult family-care home: A full-time, family-type living
40 arrangement, in a private home, under which a person who owns
41 or rents the home provides room, board, and personal care, on

1 a 24-hour basis, for no more than five disabled adults or
2 frail elders who are not relatives. The following family-type
3 living arrangements are not required to be licensed as an
4 adult family-care home:

5
6 (a) An arrangement whereby the person who owns or rents the
7 home provides room, board, and personal services for not more
8 than two adults who do not receive optional state
9 supplementation under s. 409.212 F.S. The person who provides
10 the housing, meals, and personal care must own or rent the
11 home and reside therein.

12
13 (b) An arrangement whereby the person who owns or rents the
14 home provides room, board, and personal services only to his
15 or her relatives.

16
17 (c) An establishment that is licensed as an assisted living
18 facility under this chapter.

19
20 *Adult motion picture theatre:* Any enclosed building, or any
21 area or section within any enclosed building, used for
22 presenting material distinguished or characterized by an
23 emphasis on matter depicting, describing, or relating to
24 "specified sexual activities" or "specified anatomical
25 areas", as defined in section 35.1(A) of this appendix, for
26 observation by patrons therein.

27 *Alley:* A public thoroughfare or way, not more than twenty-
28 two (22) feet in width and which normally provides a
29 secondary means of access to abutting property.

30 *Alteration:* "Alter" or "alteration" shall mean any change in
31 size, shape, character, occupancy or use of a building or
32 structure.

33 *Apartment, efficiency:* A dwelling unit in a multiple
34 dwelling, consisting of not more than one habitable room,
35 together with kitchen or kitchenette and sanitary
36 facilities.

37 *Assisted living facility:* Any building or buildings, section
38 or distinct part of a building, private home, boarding home,
39 home for the aged, or other residential facility, whether
40 operated for profit or not, which undertakes through its
41 ownership or management to provide housing, meals, and one or
42 more personal services for a period exceeding 24 hours to one

1 or more adults who are not relatives of the owner or
2 administrator.

3 *Automobile storage:* The parking of a vehicle on a property
4 for more than twenty-four (24) hours.

5 *Automobile wrecking:* The dismantling or disassembling of
6 used motor vehicles or trailers, or the storage, sale or
7 dumping of dismantled, partially dismantled, obsolete or
8 wrecked vehicles or their parts.

9 *Bar or saloon:* Any place devoted primarily to the retailing
10 and drinking of malt, vinous or other alcoholic beverages,
11 or any place where any sign is exhibited or displayed
12 indicating that alcoholic beverages are obtainable for
13 consumption on the premises.

14 *Body art studio:* A use that involves the practice of
15 tattooing and/or body piercing, and most frequently features
16 custom fine art design and "by appointment" services only.

17 *Buffer:* A physical barrier which effectively screens one
18 parcel from an abutting parcel.

19 *Building:* Any structure, either temporary or permanent,
20 having a roof, and used or built for the shelter or
21 enclosure of persons, animals, chattels, or property of any
22 kind. This definition shall include tents, awnings, or
23 vehicles situated on private property and serving in any way
24 the function of a "building".

25 *Building configuration:* The form of a building, based on its
26 massing, private frontage, and height.

27 *Building disposition:* The placement of a building on its
28 lot.

29 *Building type:* A structure category determined by function,
30 configuration, and frontage.

31 *Build-to line (BTL):* A line along which the front facade of
32 a building is required to be located.

33 *Bulk quantities:* Quantity stored in any container, which
34 quantity is to be removed for repackaging.

1 *Bulk storage:* Any storage or any material, which material is
2 to be removed for repacking.

3 *Carports:* A private garage not completely enclosed by walls
4 and doors.

5 *Change of occupancy:* The term "change of occupancy" shall
6 mean a discontinuance of an existing use and the
7 substitution therefor of a use of a different kind or class.
8 "Change of occupancy" is not intended to include a change of
9 tenants or proprietors unless accompanied by a change in the
10 type of use.

11 *Charitable organization:* Any person who is or holds herself
12 or himself out to be established for any benevolent,
13 educational, philanthropic, humane, scientific, artistic,
14 patriotic, social welfare or advocacy, public health,
15 environmental conservation, civic, or other eleemosynary
16 purpose, or any person who in any manner employs a
17 charitable appeal as the basis for any solicitation or an
18 appeal that suggests that there is a charitable purpose to
19 any solicitation. It includes a chapter, branch, area
20 office, or similar affiliate soliciting contributions within
21 the State of Florida for a charitable organization, which
22 has its principal place of business outside the state.

23 *Charitable purpose:* Any benevolent, philanthropic,
24 patriotic, educational, humane, scientific, artistic, public
25 health, social welfare or advocacy, environmental
26 conservation, civic, or other eleemosynary objective.

27 *Charitable sales promotion:* An advertising or sales campaign
28 conducted by a commercial co-venturer which represents that
29 the purchase or use of goods or services offered by the
30 commercial co-venturer are to benefit a charitable
31 organization. The provision of advertising services to a
32 charitable organization does not, in itself, constitute a
33 charitable sales promotion.

34 *Charter school:* A tax-supported public school established by
35 a charter, pursuant to F.S. 1002.33.

36 *City co-sponsored event:* Any event that is partially
37 planned, organized and funded or otherwise supported by the
38 city at the request of another person or entity.

1 *City-sponsored event:* An event that is solely or primarily
2 planned, organized and funded by the city.

3 *Club, night:* A restaurant, dining room, bar or other similar
4 establishment providing food or refreshments wherein floor
5 shows or other forms of entertainment by persons [is]
6 provided for guests after 11:00 p.m.

7 *Club, private:* Shall pertain to and include those
8 associations and organizations of a fraternal or social
9 character, not operated or maintained for profit. The term
10 "private club" shall not include casinos, night clubs, or
11 other institutions operated as a business.

12 *Commercial co-venturer:* Any person who, for profit,
13 regularly and primarily is engaged in trade or commerce
14 other than in connection with solicitation of contributions
15 and who conducts a charitable sales promotion or a sponsor
16 sales promotion.

17 *Commercial vehicles:* Any vehicle designed, intended or used
18 for transportation of people, goods or things other than
19 private passenger vehicles and trailers for private non-
20 profit transport of goods and boats.

21 Community residential home: A dwelling unit licensed to serve
22 residents who are clients of the Department of Elderly
23 Affairs, the Agency for Persons with Disabilities, the
24 Department of Juvenile Justice, or the Department of Children
25 and Families or licensed by the Agency for Health Care
26 Administration.

27
28 Community residential home, Type 1: A dwelling unit that
29 provides a living environment for homes of six or fewer
30 residents which otherwise meet the definition of a community
31 residential home shall be deemed a single-family unit and a
32 noncommercial, residential use. Homes of six or fewer
33 residents which otherwise meet the definition of a community
34 residential home shall be allowed in single-family or
35 multifamily zoning without approval by the City, provided
36 that such homes are not located within a radius of 1,000 feet
37 of another Type 1 home or within a radius of 1,200 feet of

1 another Type 2 home. Such homes with six or fewer residents
2 are not required to comply with the notification provisions
3 of this section; provided that, before licensure, the
4 sponsoring agency provides the City with the most recently
5 published data compiled from the licensing entities that
6 identifies all community residential homes within the
7 jurisdictional limits of the City in which the proposed site
8 is to be located in order to show that there is not another
9 Type 1 home within a radius of 1,000 feet and not another
10 Type 2 home within a radius of 1,200 feet of the proposed
11 home. At the time of home occupancy, the sponsoring agency
12 must notify the City that the home is licensed by the
13 licensing entity. For purposes of City land use and zoning
14 determinations, this subsection does not affect the legal
15 nonconforming use status of any community residential home
16 lawfully permitted and operating as of July 1, 2016.

17
18
19 Community residential home, Type 2: A dwelling unit meeting
20 the definition of community residential home which provides a
21 living environment for 7 to 14 unrelated residents who
22 operate as the functional equivalent of a family, including
23 such supervision and care by supportive staff as may be
24 necessary to meet the physical, emotional, and social needs
25 of the residents. Type 2 homes shall not be located within
26 1000 feet of another Type 1 home and within 1200 feet of
27 another Type 2 home. For purposes of City land use and zoning
28 determinations, this subsection does not affect the legal
29 nonconforming use status of any community residential home
30 lawfully permitted and operating as of July 1, 2016.

31
32 *Convenience store:* The term "convenience store" means any
33 place of business having four thousand (4,000) gross square
34 feet or less of space that is engaged in the retail sale of
35 groceries, which may include the sale of prepared foods,
36 and/or gasoline and/or services, and is regularly open for
37 business at any time between the hours of 10:00 p.m. and

1 5:00 a.m. and is attended during such hours by one (1) or
2 more employees. The term "convenience store" does not
3 include restaurants.

4 No convenience store will be located within one thousand
5 (1,000) feet of another such store, measured from front door
6 to front door of said establishment by airline measurement
7 route, within or without the corporate limits of the City of
8 Margate.

9 *Courtyard:* Outdoor space that is confined by building walls,
10 sometimes between multiple developments.

11 *Courtyard building:* A building that occupies the boundaries
12 of its lot while internally defining one or more private
13 patios.

14 *Coverage:* That percentage of the plot area covered or
15 occupied by buildings or roofed portions of structures.
16 Shuffleboard courts, swimming pools, barbecue pits, terraces
17 and other appurtenances not roofed over shall not be
18 included in computing "coverage".

19 Detoxification: A service involving subacute care that is
20 provided on an inpatient or outpatient basis to assist
21 individuals to withdraw from the physiological and
22 psychological effects of substance abuse and who meet the
23 placement criteria for this component.
24

25 Detoxification facility: A facility licensed to provide
26 detoxification services under chapter 397 F.S.

27 *Drive-in restaurant or refreshment stand:* Any place or
28 premises used for the sale, dispensing or serving of food,
29 refreshments or beverages to patrons who enter the premises
30 in automobiles and receive service in automobiles, or for
31 consumption of food, refreshments or beverages in
32 automobiles.

33 *Dwelling:* Any building, or part thereof, occupied in whole
34 or in part, as the residence or living quarters of one (1)
35 or more persons, permanently or temporarily, continuously or
36 transiently.

1 *Multiple unit dwelling:* A plot containing three (3) or more
2 one-family dwelling units.

3 *One-family dwelling unit:* A plot containing a dwelling unit
4 occupied by one (1) family.

5 *Two-family dwelling unit:* A plot containing two (2) one-
6 family dwelling units.

7 *Dwelling unit:* A space, area or portion of a building
8 designed for and occupied by one (1) family as a dwelling,
9 with cooking facilities for the exclusive use of such
10 family.

11 *Economic-base-expanding activity:* In the context of the City
12 of Margate, economic-base-expanding uses include those which
13 export goods and services outside of Margate so as to import
14 additional capital for the support of local jobs and
15 business expansion.

16 *Edgeyard building:* A building that occupies the center of
17 its lot with setbacks on all sides.

18 *Elevation:* An architectural drawing that represents a
19 structure as being projected geometrically on a vertical
20 plane parallel to one of its sides.

21 *Enforcing official:* Shall mean the officers and employees of
22 the department, bureau or agency of the City of Margate to
23 whom the duty of enforcing the terms of this resolution is
24 assigned under the resolution.

25 *Entrance, principal:* The main point of pedestrian access
26 into a building.

27 *Erected:* The word "erected" includes built, constructed,
28 reconstructed, moved upon or any physical operations on the
29 premises required for building. Excavation, fill, drainage
30 and the like shall be considered a part of erection.

31 *Established grade:* The average elevation of the public
32 sidewalks around or abutting a plot, or in the absence of
33 sidewalks, the average elevation of the public streets
34 abutting the plot.

35 *Family:* For the purposes of this zoning ordinance, a family
36 shall be defined as one (1) person, or a group of two (2) or

1 more persons living together and interrelated by bonds of
2 consanguinity, marriage or legal adoption, or a group of no
3 more than three (3) unrelated persons, occupying the whole
4 or part of a dwelling as a separate housekeeping unit with a
5 single set of culinary facilities. The persons thus
6 constituting a family may also include gratuitous guests and
7 domestic servants. Any person under the age of eighteen
8 (18) years whose legal custody has been awarded to the state
9 department of health and rehabilitative services or to a
10 child-placing agency licensed by the department, or who is
11 otherwise considered to be a foster child under the laws of
12 the state, and who is placed in foster care with a family,
13 shall be deemed to be related to and a member of the family
14 for the purposes of this chapter. Nothing herein shall be
15 construed to include any roomer or boarder as a member of a
16 family. This definition shall not supercede state or federal
17 regulations regarding families and/or the use of real
18 property within a residential district for community
19 residential facilities.

20 ~~*Family care facilities:* A facility which provides residence,~~
21 ~~supervision, and support in a family setting to eight (8) or~~
22 ~~fewer unrelated individuals who are handicapped, aged,~~
23 ~~disabled, or in need of adult supervision.~~

24 *Filling station:* Any area of land, including structures or
25 parts of structures thereon, that is used for the supply of
26 gasoline or other fuels for motor vehicles at retail sale.

27 *Floor area:* Where a specified minimum "floor area" is
28 required in the zoning ordinance for a dwelling, "floor
29 area" shall mean the total gross area within the external
30 perimeter of the exterior enclosing walls, including Florida
31 rooms, sun rooms and utility rooms which are fully enclosed
32 and directly accessible from the interior of the dwelling
33 but excluding other utility rooms, unenclosed porches,
34 terraces, breezeways, and carports or garages.

35 *Frontage of a building:* Shall mean the side or wall of a
36 building approximately parallel and nearest to a street.

37 *Frontage of property:* Shall mean the plot line which abuts a
38 street or separates the plot from a street.

39 *Fully shielded:* A fixture constructed and installed in such
40 a manner that all light emitted by it, either directly from
41 the lamp (bulb) or a diffusing element, or indirectly by

1 reflection or refraction from any part of the fixture, is
2 projected below the horizontal plane. This can be determined
3 by a field test or visual assessment of an operating sample.

4 *Gallery:* A type of building frontage wherein the facade is
5 aligned close to the frontage line with an attached
6 cantilevered covering or a lightweight colonnade overlapping
7 the sidewalk.

8 *Garage, community:* A building or part thereof, used for
9 indoor parking of private automobiles.

10 *Garage, repair:* A building, or part thereof, where vehicles
11 are received and a fee is paid for repairs to any part of
12 the vehicle, but shall not include wholesale rebuilding of
13 parts, and paint and body works.

14 *Glare:* Brightness in the field of view that is sufficiently
15 greater than the amount to which the eye is adapted, causing
16 annoyance, discomfort, or loss of visual performance and
17 visibility.

18 *Go-cart:* A four-wheel vehicle, designed for a single rider,
19 having a one or two (2) cylinder internal combustion engine.

20 *Green building:* A building that emphasizes state-of-the-art
21 strategies for sustainable site development, water savings,
22 energy efficiency, materials selection and indoor
23 environmental quality and is identified as meeting
24 verifiable green building standards.

25 *Greenway:* An open-space corridor in largely natural
26 conditions which may include trails for bicycles and
27 pedestrians.

28 ~~*Group care facilities:* A facility which provides residence,~~
29 ~~and/or supervision and services for individuals who are~~
30 ~~handicapped, aged, disabled, or undergoing rehabilitation~~
31 ~~including nursing homes, sober houses, halfway houses,~~
32 ~~convalescent homes, homes for the aged, foster and boarding~~
33 ~~homes, and retirement homes, whether the residents' stay are~~
34 ~~mandated or voluntary. The city shall ensure that no group~~
35 ~~care facilities are located within a one-thousand-foot~~
36 ~~radius of any other group care facilities located in any of~~
37 ~~the residentially zoned areas within the city. The one-~~
38 ~~thousand-foot radius will be used to provide a minimum~~
39 ~~separation of group care facilities needed to effectively~~

~~preserve the residential neighborhoods of the city while also ensuring that disabled individuals inhabiting group care facilities experience a true neighborhood lifestyle.~~

Hazardous substances: Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substance.

Height of building: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Home occupation: Any use conducted entirely within a dwelling for financial gain and carried on by persons residing in the dwelling unit, which use is clearly incidental and subordinate to the use of the dwelling for residential purposes and does not change the character thereof.

Horizontal mixed-use: A mix of uses whereby different uses are adjacent to each other within the same plot or development.

Hospital: A hospital licensed under chapter 395 F.S. and part II of chapter 408 F.S.

Hotel: A building, or part thereof, in which sleeping accommodations are offered to the public, with no cooking facilities for use by the occupants, and in which there may be a public dining room for the convenience of the guests. Access to the sleeping rooms shall be through an inside lobby or office.

Industrially-zoned property: Shall mean any land or water area whose zoning district classifications is M-1 or M-1A under this ordinance.

Inflammable liquid: Any liquid which under operating conditions gives off vapor which, when mixed with air, is combustible and explosive.

1 *Inoperative vehicle:* Any wrecked or partially dismantled
2 vehicle which is parked or stored for longer than forty-
3 eight (48) hours without having all wheels mounted, or which
4 is in a condition of substantial disrepair, or which is
5 parked or stored without having all tires inflated. It shall
6 also mean a vehicle which does not have affixed a current
7 automobile license tag.

8 *Junk yard:* Place, structure or lot where junk, waste,
9 discarded, salvaged, or similar materials such as old
10 metals, wood, slush, lumber, glass, paper, rags, cloth,
11 bagging, cordage, barrels, containers, etc., are bought,
12 sold, exchanged, baled, packed, disassembled or handled,
13 including auto wrecking yards, used lumber yards,
14 housewrecking yards and yards or place for storage or
15 handling of salvaged house wrecking and structural steel
16 materials. This definition shall not include pawnshops and
17 establishments for the sale, purchase, or storage of usable
18 second-hand cars, salvaged machinery, used furniture,
19 radios, stoves, refrigerators or similar household goods and
20 appliances. Nor shall it apply to the processing of used,
21 discarded or salvaged materials as part of manufacturing
22 operations.

23 *Kennel:* The term kennel shall be construed to include any
24 establishment for the raising, training, boarding or selling
25 of dogs, cats, birds, mice, rats, or other small animals for
26 hire or profit, or where more than four dogs or cats are
27 harbored or kept over four (4) months of age. "Kennel" shall
28 not include any humane society, animal protection agency,
29 veterinarian clinic, or hobby breeder. Kennel shall also
30 include any person or establishment that intentionally or
31 un-intentionally causes or allows the breeding or studing
32 of a cat or dog of three (3) or more litters of dogs or cats
33 per household or premises during a consecutive twelve-month
34 period whether or not such animals were made available for
35 sale, adoption or other placement.

36 *Land platted:* Any land recorded by plat in the Broward
37 County circuit court clerk's office.

38 *Land unplatted:* Any land or part thereof, not recorded by
39 plat in the Broward County circuit court clerk's office.

40 *Layer:* A range of depth of a lot within which certain
41 elements are permitted.

1 *Light manufacturing:* Products from aluminum, brass, bronze,
2 copper, steel or other metal or from cloth, canvas, leather,
3 paper, rubber, shell, plastic, wood or other materials, such
4 as electronic devices, food products, chewing gum, syrup,
5 fruit juices, extracts, drugs or medicines, electrical
6 fixtures, hardware and cutlery, musical instruments, and
7 optical devices.

8 *Light trespass:* Light produced by a lighting fixture that
9 illuminates a surface beyond the boundaries of the property
10 on which it is located.

11 *Limited access self service storage facility:* A multistoried
12 self service facility with limited access points from the
13 exterior to interior halls that serve the individual bays.

14 *Liner building:* A building, usually shallow in depth,
15 specifically designed to mask a parking lot, parking garage
16 or blank wall from a frontage.

17 *Live-work unit:* A dwelling unit that is also the primary
18 place of work, which place of work is located on the ground
19 floor for the occupant of the unit.

20 *Lodging house:* A building, or part thereof, other than a
21 motel or hotel, where sleeping accommodations are provided
22 for hire more or less transiently without provisions for
23 cooking by guests or for meals for guests.

24 Long-term care facility: A nursing home facility, assisted
25 living facility, adult family-care home, or any other similar
26 residential adult care facility that provides rehabilitative,
27 restorative, and/or ongoing skilled nursing care to patients
28 or residents in need of assistance with activities of daily
29 living.

30 *Lot:* A parcel or tract of land designated and identified as
31 a single unit of area in a subdivision plat officially
32 recorded in the Broward County circuit court clerk's office.

33 *Machine:* Any contrivance which serves to regulate the effect
34 of a given force or to produce or change motion.

35 *Mixed use:* Multiple functions within the same building
36 through superimposition or adjacency, or in multiple
37 buildings within the same area by adjacency.

1 *Motel*: A building or part thereof, in which sleeping, and/or
2 living accommodations are offered to the public primarily on
3 a short term or transient basis, with access to the
4 individual units from the exterior of the building and
5 parking facilities for use of guests near their quarters.

6 *Nonconforming structure*: A structure or portion thereof,
7 existing at the effective date of this ordinance, or any
8 amendment thereto; which was occupied, designed, erected,
9 intended, or structurally altered for use not permitted at
10 its location by the provisions of this ordinance for a new
11 use, and/or which does not conform to all of the regulations
12 applicable to the district in which it is located.

13 *Nonconforming use*: The use of a structure or premises,
14 existing at the effective date of this ordinance, or any
15 amendment thereto, for any purpose not permitted for a new
16 use in the district in which it is located.

17 *Nuisance lighting*: Includes, but is not limited to glare,
18 light trespass, and skyglow.

19 *Nursery school*: A place for the care and instruction of
20 children.

21 ~~*Nursing home*: A home for aged, chronically ill, or incurable~~
22 ~~persons in which three (3) or more persons not of the~~
23 ~~immediate family are received, kept, or provided with food~~
24 ~~and shelter or care for compensation, but not including~~
25 ~~hospitals, clinics or similar institutions devoted primarily~~
26 ~~to the diagnosis and treatment of the sick or injured.~~

27 *Nursing home facility*: Any licensed facility which provides
28 nursing services as defined in part I of chapter 464 F.S.

29 *Occupied*: The word "occupied" includes arranged, designed,
30 built, altered, converted, rented or leased, or intended to
31 be occupied.

32 *Office*: Premises available for the transaction of general
33 business of a clerical or administrative nature, but
34 specifically excluding entertainment, retail, wholesale,
35 artisanal, warehousing, repair, and manufacturing uses.

36 *Open space*: An outdoor area dedicated for public use.

1 *Ordinance:* The zoning code of the City of Margate and any
2 amendments thereto.

3 *Package store:* A place where alcoholic beverages are
4 dispensed or sold in containers for consumption off the
5 premises.

6 *Pain management clinic:* Any clinic, facility, or office that
7 is required to be registered with the Florida Department of
8 Health pursuant to F.S. § 458.3265 or 459.0137, as amended.

9 *Parking:* The term "parking" shall mean the temporary,
10 transient storage of private passenger automobiles used for
11 personal transportation, while their operators are engaged
12 in other activities. It shall not include storage of new or
13 used cars for sale, service, rental, or any other purpose
14 other than specified above. "Parking" as defined herein
15 shall apply only to open-air storage of automobiles.

16 *Parking structure:* A building containing two or more stories
17 of parking facilities. Parking structures within the TOC
18 boundary that are located on an established build-to line
19 shall have liner buildings at the first story.

20 *Passage:* A pedestrian connector passing between buildings,
21 providing shortcuts through long blocks and connecting rear
22 parking areas to building frontages.

23 *Path:* A pedestrian way traversing a park or courtyard, with
24 landscape matching the contiguous open space. Paths should
25 connect directly with the urban sidewalk network.

26 *Pedestrian zone:* An aesthetic buffer designed to help
27 visually soften the hardscape of urban development while
28 also providing for pedestrian travel and improved site
29 connectivity.

30 *Performance standards:* Criteria for permitting and
31 controlling various uses and activities within the City in
32 order to limit negative impacts and maintain the character
33 of the City of Margate in accordance with the goals and
34 objectives of the comprehensive plan of the City of Margate.

35 *Person:* The word "person" includes association, firm,
36 copartnership, or corporation.

1 *Personal care services:* An establishment (not having as its
2 primary function the sale of retail goods) primarily engaged
3 in providing appearance care and/or beauty services to
4 individual consumers such as beauty salons, ear piercing and
5 spas.

6 *Pervious:* An adjective describing a type of surface or
7 material which allows the penetration of water.

8 *Pet store or pet shop :* A retail establishment open to the
9 public and engaging in the business of offering for sale
10 and/or selling animals at retail.

11 *Planter:* The element of the public streetscape which
12 accommodates street trees. Planters may be continuous or
13 individual.

14 *Plazas:* Large outdoor spaces that extend the public realm
15 from the street or sidewalk to the main entry of an adjacent
16 building.

17 *Plot:* Land occupied or to be occupied by a building or use,
18 and their accessory buildings and accessory use, together
19 with such yards and open spaces as are required by this
20 ordinance. A "plot" may consist of one (1) or more, or
21 portions of a platted lot and/or unplatted land.

22 *Plot, corner:* A "corner plot" is a plot of which at least
23 two (2) adjacent sides abut for their full length upon
24 streets, provided that such two (2) sides intersect at an
25 interior angle of not more than one hundred thirty-five
26 (135) degrees. Where a plot is on a curve, if tangents
27 through the intersections of the lot lines with the street
28 lines make an interior angle of not more than one hundred
29 thirty-five (135) degrees, such a plot is a "corner plot".
30 In the case of a "corner plot" with a curved street line,
31 the corner shall be considered to be that point on the
32 street line nearest to the point of intersection of the
33 tangents herein described.

34 *Plot depth:* The mean horizontal distance between the front
35 and rear plot lines.

36 *Plot, interior:* A plot other than a corner plot.

37 *Plot, key:* The first plot to the rear of a reversed corner
38 plot whether or not separated by an alley therefrom.

1 *Plot line, front:* The line dividing a plot from a street or
2 base building line, whichever will result in a lesser depth
3 of plot. On a corner plot the shorter of the two (2) "front
4 plot lines" as above defined shall be considered to be the
5 "front plot line" for the purposes of determining required
6 plot width and required front yard depth. On a corner plot
7 where both "front plot lines" as above defined are equal or
8 within five (5) feet of the same length, both such lines
9 shall be considered to be "front plot lines" for the purpose
10 of determining required street yard depth.

11 On through lots both "front plot lines" as above defined
12 shall be considered to be "front plot lines" for the purpose
13 of determining required yards.

14 *Plot line, rear:* The plot line opposite and most distant
15 from the front plot line. In the case of a triangular or
16 gore-shaped wherein the two (2) side plot lines converge in
17 the rear, the "rear plot line" shall be considered to be a
18 line ten (10) feet in length within the plot parallel to and
19 at the minimum distance from the front plot line.

20 *Plot line, side:* Any plot line other than a front or rear
21 plot line. A "side plot line" separating a plot from a
22 street is called a "side street plot line". A "side plot
23 line" separating a plot from another plot or plots is called
24 an "interior" or "side plot line."

25 *Plot line, street or alley:* A plot line separating the plot
26 from a street or alley.

27 *Plot, reversed corner:* A corner plot the side street line of
28 which is substantially a continuation of the front plot line
29 of first plot to its rear.

30 *Plot, through:* A plot abutting on two (2) streets, not at
31 their intersection, if any which may be either a corner or
32 interior plot.

33 *Plot width:* The horizontal distance between the side plot
34 lines at the depth of the required front yard.

35 *Porch:* A roofed-over space attached to the outside of an
36 exterior wall of a building, which has no enclosure other
37 than the exterior walls of such building. Open mesh
38 screening shall not be considered an enclosure.

1 *Poultry:* Any chickens, turkeys, ducks, geese, peafowl or
2 guinea fowl.

3 *Poultry market:* A commercial establishment or place where
4 live poultry or fowls are kept and prepared for sale,
5 including killing or cleaning.

6 *Principal building:* Syn. Principal structure.

7 *Principal structure:* A structure, the use of which is the
8 principal or primary use of the land. A principal structure
9 may consist of a building or an unmanned or uninhabited
10 structure such as a communication tower, utility substation,
11 parking facility or other similar construction. There may be
12 more than one (1) principal structure on a parcel.

13 *Rearyard building:* A building that occupies the full
14 frontage line, leaving the rear of the lot as the sole yard.

15 Recovery residence: A residential dwelling unit, or other
16 form of group housing, that is offered or advertised through
17 any means, including oral, written, electronic, or printed
18 means, by any person or entity as a residence that provides a
19 peer-supported, alcohol-free, and drug-free living
20 environment. The number of unrelated residents and distance
21 requirements set forth by Type 1 and Type 2 community
22 residential homes shall apply to these facilities.

23
24 *Recreational vehicle (RV):* Any vehicle constructed so as to
25 permit occupancy thereof as sleeping or living quarters,
26 used as a conveyance on highways and streets, and propelled
27 by its own motive power.

28 *Recreational vehicle (RV) lot structure:* A fully enclosed
29 accessory structure, such as a storage shed, located on an
30 RV site within an approved RV park. This definition shall
31 not include tiki huts, chiki huts, or any other thatched
32 roof structure.

33 *Recreational vehicle (RV) park:* A place set aside and
34 offered by a person or public body, for either direct or
35 indirect remuneration of the owners, lessor or operator of
36 such place, for the parking and accommodation of five (5) or

more recreational vehicles (as defined in F.S. § 320.01(1)(b)).

Recreational vehicle (RV) site: The lot within a recreational vehicle park delineated for individual recreational vehicle occupancy. The site typically includes a pad on which the recreational vehicle is parked, a driveway, utility connections and open space area. An RV site may also include a patio area, a storage shed, and fixtures such as tables, lampposts and grills.

Redevelop: To demolish a principal building or structure of a site and construct a new principal building or structure; or to expand an existing principal building or structure beyond twenty-five (25) per cent of the gross area or size.

Remodeling, redecorating or refinishing: Any change, removal, replacement, or addition to walls, floors, ceilings and roof surfaces or coverings which do not support any beam, ceiling, floor load, bearing partition, columns, exterior walls, stairways, roofs or other structural elements of a building or a structure.

Residentially zoned property: Any land or water area that has a zoning district classification of R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-3A, R-3U, PRC, PUD RVRP, or T-1.

Restaurant: A building or room, not operated as a dining room in connection with a hotel, where food is prepared and served for pay for consumption on the premises.

Retail: The selling of merchandise to end users, usually in small quantities and not intended for resale. Retail establishments shall have merchandise available for purchase for walk-in clientele, and shall have all sales transactions take place on site. Internet and other off-premises transactions shall not be considered retail, but may be permitted as an accessory use to retail.

Roof line: The overall ridge line of the structure which does not include cupolas, elevator towers, clock towers or other features that are permitted to exceed maximum height of the building.

Rooftop photovoltaic solar system: A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-

1 mounted on a flat roof, to convert sunlight into
2 electricity.

3 *Room:* For the purpose of determining the required plot area,
4 "room" shall mean an unsubdivided portion of the interior of
5 a dwelling, having a floor area of eighty (80) square feet
6 or more, intended or adopted for living and/or sleeping
7 purposes. Space in a dwelling used only for bathroom,
8 kitchen, dining room, storage, hallway, utilities, or
9 similar purposes shall not be included as a "room" under
10 this definition.

11 *Rowhouse:* A single-family dwelling that shares a common wall
12 with another of the same type and occupies the full frontage
13 line. (Syn: Townhouse).

14 *School:* Facilities of public or private, primary or
15 secondary schools, vocational and technical schools and
16 colleges and universities licensed by the Florida Department
17 of Education. This shall not include home schools, nor day
18 care centers.

19 *Service contractors:* These include air conditioning service
20 and installation, carpet installers, glass and mirror
21 installers, carpet cleaners, exterminators, lawn care
22 companies, and other similar businesses performing work off-
23 premises. This definition specifically excludes automotive
24 and personal services.

25 *Setback:* The minimum distance between the street line, or
26 base building line, and the front line or side line of the
27 building or any projection thereof, excluding projections
28 specifically permitted.

29 *Shed:* A permanent, simple roofed structure, typically made
30 of wood or metal with four (4) sides enclosed, that is
31 permanently affixed to the ground, meets all Florida
32 Building Code regulations, is not equipped with plumbing,
33 and is used for the primary purpose of additional storage
34 space.

35 *Sidewalk:* That portion of the street intended for use by
36 pedestrians between the curblin, or the lateral lines of a
37 roadway, and the adjacent property lines.

38 *Sideyard building:* A building that occupies one (1) side of
39 the lot with a setback to the other side.

1 Skyglow: The adverse effect of brightening of the night sky
2 due to man-made lighting.

3 Special exception use: Special exception uses may be deemed
4 appropriate to provide a complete distribution of commercial
5 uses within the city, but because of their operational
6 characteristics or area requirements need to be given
7 individual consideration with respect to their location,
8 access and relationship to adjacent properties and public
9 rights-of-way, and conformity with the city's current and
10 future redevelopment efforts.

11 ~~Special residential facility, category (2): A housing~~
12 ~~facility which is licensed by the State of Florida for nine~~
13 ~~(9) to sixteen (16) non-elderly individuals who require~~
14 ~~treatment, care, rehabilitation or education. This includes~~
15 ~~individuals who are dependent children, physically disabled,~~
16 ~~developmentally disabled or individuals not overtly (sic) of~~
17 ~~harm to themselves or others. The facility provides a family~~
18 ~~living environment including supervision and care necessary~~
19 ~~to meet the physical, emotional and social needs of the~~
20 ~~individuals. It may or may not provide education or~~
21 ~~training. There may be more than one (1) kitchen within the~~
22 ~~housing facility.~~

23 ~~Special residential facility, category (3): Shall mean the~~
24 ~~following:~~

25 ~~(a)~~

26 ~~Any housing facility licensed by the State of Florida for~~
27 ~~more than sixteen (16) non-elderly individuals who require~~
28 ~~treatment, care, rehabilitation or education. This includes~~
29 ~~individuals who are dependent children, physically disabled,~~
30 ~~developmentally disabled or individuals not overtly (sic) of~~
31 ~~harm to themselves or others; or~~

32 ~~(b)~~

33 ~~Any housing facility licensed by the State of Florida for~~
34 ~~more than eight (8) unrelated elderly individuals; or~~

35 ~~(c)~~

36 ~~Governmentally subsidized housing facilities entirely~~
37 ~~devoted to the care of the elderly, dependent children,~~
38 ~~physically handicapped, developmentally disabled or~~
39 ~~individuals not overtly of harm to themselves or others; or~~

40 ~~(d)~~

41 ~~Any not-for-profit housing facility for unrelated elderly~~
42 ~~individuals; or~~

1 ~~(e)~~

2 ~~Any housing facility which provides a life-care environment.~~
3 ~~Life-care environment shall include, but is not limited to,~~
4 ~~creation of a life estate in the facility itself and~~
5 ~~provision of off-site or on-site medical care.~~

6
7 *Stoop*: Frontage wherein the facade is aligned close to the
8 frontage line with the lower story elevated at least
9 eighteen (18) inches from the sidewalk to establish a sense
10 of transition from public to private realm, and may be
11 elevated sufficiently to secure privacy for the windows.

12 *Storage of vehicle(s)*: The parking or keeping on real
13 property of a vehicle(s) which does not have affixed a
14 current automobile license tag immediately for more than
15 five (5) calendar days, unless same is within a completely
16 enclosed structure. Storage includes inoperative vehicles
17 and abandoned vehicles parked for more than seventy-two (72)
18 consecutive hours, or vehicles that have been repossessed or
19 are otherwise awaiting shipping.

20 *Story*: A habitable level within a building.

21 *Street*: A public thoroughfare twenty-two (22) feet or more
22 in width which affords principal means of access to abutting
23 property.

24 *Street line*: Shall mean the right-of-way line of a street or
25 the base building line, whichever will provide for a greater
26 width of street.

27 *Streetscape*: The urban element that establishes the major
28 part of the public realm. The streetscape is composed of
29 roads (travel lanes for vehicles and bicycles, parking lanes
30 for cars, urban greenways and sidewalks or paths for
31 pedestrians) as well as the visible private frontages
32 (building facades and elevations, porches, yards, decorative
33 fences, awnings, etc.), and the amenities of the public
34 frontages (street trees and plantings, benches,
35 streetlights, etc.).

36 *Streetscreen* or *streetwall*: A freestanding wall built along
37 the frontage line, or coplanar with the facade, often for
38 the purpose of masking a parking lot from the thoroughfare.
39 Streetscreens should be between three and one-half (3½) and
40 eight (8) feet in height and constructed of a material

1 matching the adjacent building facade. The streetscreen may
2 be a hedge or decorative fence. Streetscreens shall have
3 openings no larger than is necessary to allow automobile and
4 pedestrian access. In addition, all streetscreens over four
5 (4) feet high should be thirty (30) per cent permeable or
6 articulated to avoid blank walls.

7 *Structural alteration:* Any charge, except for repair or
8 replacement, in supporting members of a building or
9 structure, such as bearing walls, columns, beams or girders.

10 *Structure:* Anything constructed or erected, which requires
11 location on the ground or attached to something having a
12 location on the ground.

13 *Tattooing:* Any method of placing permanent designs, letters,
14 scrolls, figures or symbols upon or under the skin with ink
15 or any other substance, by the aid of needles or any other
16 instrument designed to touch or puncture the skin, resulting
17 in either the coloration of the skin, or the production of
18 scars or scarring, including permanent makeup.

19 *Tent:* Any structure or enclosure, the roof of which and/or
20 one-half or more of the sides, are of silk, cotton, canvas,
21 fabric or a light material.

22 *Tourist camp or park:* Any plot of ground upon which three
23 (3) or more single-family camp cottages or tents are located
24 or maintained for the accommodation of transients whether or
25 not a charge is made.

26 *Tourist court:* A group of attached or detached dwellings
27 which are provided primarily for transient guests, including
28 auto courts, motels and motor lodges.

29 *Tourist home:* A building or part thereof, other than a motel
30 or hotel, where sleeping accommodations are provided for
31 transient guests, with or without meals, and which also
32 serves as a residence of the operator.

33 *Townhouse:* Syn. Rowhouse.

34 *Trailer:* An open vehicular structure constructed for the
35 storage or conveyance of boats, vehicles, swamp buggies,
36 tools, equipment or machinery, and so designed that it is or
37 may be mounted on wheels and used as a conveyance on
38 highways and streets propelled or drawn by other motive

power. This definition shall include automobile trailers, trailer coaches and house trailers.

Transition line: A horizontal line spanning the full width of a facade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Transit-oriented development (TOD): Development that combines a pedestrian-friendly environment with retail or entertainment ground-floor uses, and located within one-quarter (1/4) mile sidewalk route to a transit station or transit stop. Specifically, a TOD provides continuous, shaded sidewalks with street furniture and minimal driveway interruptions, and nearly continuous shop frontage.

Transit station: A transit stop incorporated into a principal building which provides an air-conditioned seating area with electronic bus/LRT location information.

Transit stop: A designated location that allows a bus/LRT to stop and load or unload passengers.

Urban greenway: A multipurpose path accommodating bicycle and pedestrian traffic along major arterial roadways providing for a minimum clear zone from obstructions, and meeting or exceeding minimum landscaping requirements.

Urban grid or modified grid: Maximum block face of seven hundred (700) feet and maximum perimeter of two thousand (2,000) linear feet (approximately three (3) acres). A maximum block face of eight hundred (800) feet and a maximum perimeter of up to three thousand (3,000) allowed for blocks with parking structures. Rear alleys or mid-block alleys required where feasible. The average block face in the TOC district is five hundred (500) feet.

Use: The purpose for which land or a structure thereon is designed, arranged or intended, to be occupied or utilized, or for which it is occupied or maintained.

Use, first permitted in "X" district: A use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in the "X" district.

Use, nonresidential: A use permitted in a specific residential zoning district, which is not residential in

character, such as recreation or governmental buildings, cemetery, crematory, mausoleum, library, art gallery, museum, educational, recreational or social center, church nursery school, child care center, public, private, or parochial schools, hospital, sanitarium, convalescent home, orphanage, institution for the aged, indigent or infirm, community garage, private club, lodge, fraternity, sorority, philanthropic or eleemosynary institutions, medical or dental office or clinic, college or university.

Use of land: Includes use of water surface and land under water to the extent covered by zoning districts, and over which the City of Margate has jurisdiction.

Use, principal or main: The primary use of the plot as distinguished from secondary or accessory uses. There may be more than one (1) "principal or main use" on a plot.

Use, residential: A use for living and sleeping of persons not institutional in character, such as a one-family, two-family or multiple dwelling, rooming house, hotel, motel, tourist home, lodging house, boarding house, villas, bungalow courts.

Variance: A modification of, or deviation from, the regulation of the zoning ordinance which is authorized and approved by the board of adjustment after it finds that the literal application of the provision of the zoning ordinance would cause unnecessary hardship or practical difficulty in the use or development of a specific plot or building.

Vehicle: Any automobile, truck bus, boat or trailer, motorcycle, motor scooter or similar type vehicle, full track, half track, recreational vehicle, swamp buggy or any apparatus self-propelled that is used for the transportation or any person or persons.

Vending machine: Any machine or container, manual or automated, and designed for the convenient storage and dispensing of merchandise for retail sale; including, but not limited to, soda vending machines, food vending machines, ice chests, video rental machines, and water dispensing/vending machines.

Walkway cafe: A portion of a restaurant or eating establishment that is unenclosed, which is located outside of and adjacent to the principal building on a private

sidewalk, and which provides a sit-down area for food and/or beverage consumption.

Waterway: A stream, canal or body of water, dedicated to public use, publicly owned, or used and available for public travel by boats, not including privately owned bodies of water or drainage ditches.

Wholesale: The selling of goods, products, or materials to retail, manufacturing, or repair establishments, usually in bulk quantities, and intended for resale, refinement, or use for repair.

Yard: A space on the same plot with a structure or use, open and unobstructed from the ground to the sky except by encroachments specifically permitted in the zoning ordinance. "Yard" measurements shall be the minimum horizontal distances. "Yards" shall extend and be measured inward from the respective plot line.

Yard, corner: In a single-family dwelling district, a corner yard shall be the area formed by the intersection of the front and street side property lines and the extensions of the front facade and the street side facade of the residence. In all other districts, a corner yard shall be the triangular area formed by the chord connecting thirty-five (35) feet from the intersection of right-of-way lines or tangent extensions thereof.

Yard, front: A yard extending across the full width of the plot between the front plot line and the nearest line of the main use or main building on the plot.

Yard, rear: A yard extending across the full width of the plot between the rear plot line and the nearest line of the main building.

Yard, required: Shall mean the minimum yard required by the zoning ordinance. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a "required yard".

Yard, side: A yard extending from the front yard to the rear yard, between the side plot line and the nearest line of any building or use of the plot. The width of a "side yard" shall be the shortest distance between the side plot line and the nearest use or building on the plot.

1 *Zoning board:* The "zoning board" of the City of Margate.

2 *Zoning certificate:* A document issued by the enforcing
3 official authorizing buildings, structures or uses
4 consistent with the terms of the zoning ordinance and for
5 the purpose of carrying out and enforcing its provisions.

6
7
8 **SECTION 2:** The Code of the City of Margate, Florida, Appendix-
9 A Zoning, Article XIV One Family Dwelling R-1A to R-1B Section
10 14.2 Uses permitted is hereby amended to read as follows:
11

12 **Section 14.2. - Permitted uses.**

13 No building or structure, or part thereof, shall be erected,
14 altered or used, or land or water used, in whole or in part,
15 for other than one (1) of the following uses:

- 16 (1) Single-family detached dwellings.
- 17
- 18 (2) Recreation buildings and facilities, playgrounds, play
19 fields, parks, beaches, owned and operated by the city.
- 20
- 21 (3) Recreational and social centers, not operated for
22 profit and constructed as an integral part of the
23 surrounding residential neighborhood.
- 24
- 25 (4) Church, synagogue, or other religious institution and
26 parochial school incidental to the above on the same
27 premises. Such use shall be located on a plot having at
28 least forty thousand (40,000) square feet of plot area
29 and having at least two hundred (200) feet of street
30 frontage. Except for a rectory, parish house or similar
31 individual dwelling, no residential use shall be
32 permitted on the site. The coverage of all roofed
33 structures shall not exceed twenty-five (25) per cent
34 of the plot area. No building or roofed structure shall
35 be located within forty (40) feet of any other
36 residentially zoned property. No parking area shall be
37 located within ten (10) feet of any plot line.
- 38
- 39 (5) Sewage or water treating, pumping and storage plants to
40 serve the surrounding residential area. Such plants
41 shall conform to the following requirements:
42

- 1 (a) The plot shall be not less than two hundred (200)
2 feet in width and forty thousand (40,000) square
3 feet in area, and as large as necessary to
4 provide required setback areas.
5
- 6 (b) No building or structure shall be located nearer
7 to any other residentially zoned property or any
8 street line than a distance equal to the height
9 of such building or structure.
10
- 11 No water pumping or treatment facility shall be
12 located nearer than thirty-five (35) feet to any
13 street line or nearer than fifty (50) feet to any
14 other residentially zoned property.
15
- 16 (c) All plots shall have a landscaped setback area at
17 least thirty-five (35) feet in width or depth
18 adjacent to all plot lines separating the subject
19 plot from other residentially zoned property. The
20 landscaped setback area shall not be used for any
21 building, structure, fence, wall, parking,
22 storage or other use except that a fence not over
23 six (6) feet in height may be erected in any such
24 setback area at least thirty-five (35) feet from
25 any street line. The landscaped setback area
26 shall be planted with grass, shrubbery and trees,
27 and no part shall be paved or surfaced except for
28 minimum driveways and walkways for access. All
29 landscaping shall be maintained in a healthy,
30 growing condition, properly trimmed and watered.
31
- 32 (d) All machinery, equipment and mechanical or
33 electrical facilities shall be so designed and
34 operated as to minimize noise effects upon
35 surrounding residential properties.
36
- 37 (e) Plots shall not be used for business, storage or
38 service purposes for a franchised area.
39
- 40 (6) Sewage lift or pumping stations, containing no
41 treatment facilities, shall be subject to the following
42 requirements:
43
- 44 (a) Where the station is of the underground type, all
45 parts of which are at least three (3) feet below

grade except for an access tube not over five (5) feet in maximum horizontal dimension extending not over three (3) feet above grade, and meters and switches on a post extending not over five (5) feet above grade, such access tube and meter or switch post may be located within a utility easement.

- (b) Where the station is wholly or partially above grade, there shall be a yard at least thirty (30) feet in depth adjacent to all residentially zoned property.

All yards and plot area shall be landscaped with grass, shrubbery and trees which shall be kept in a healthy, growing condition, properly watered and trimmed.

- (7) Transformer substation subject to the following requirements:

- (a) The plot shall be provided with yards not less than thirty (30) feet in depth or width adjacent to all street lines and plot lines of other residentially zoned property and a yard at least twenty-five (25) feet in depth adjacent to a rear plot line.

The yards required under this paragraph shall be fully landscaped with grass, shrubbery and trees, and shall not be used for any fence, wall, building or structure, except that a fence not over six (6) feet in height may be erected at least thirty (30) feet from any street line. Minimum driveways or walkways necessary for access may cross required yards.

All landscaped areas shall be maintained in a healthy, growing condition, properly watered and trimmed.

- (8) Uses accessory and clearly incidental to any of the above uses when located on the same plot and not involving the conduct of any business, trade, occupation or profession.
- (9) Home occupations as defined in [section 2.2](#), excluding retail sales.

(10) Community residential home, Type 1 as defined in section 2.2

(11) Recovery residence, as defined in section 2.2

SECTION 3: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XV Two Family Dwelling R-2 Section 15.2 Uses permitted is hereby amended to read as follows:

Section 15.2. - 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 uses:

- (1) Any use permitted in the R-1 district, subject to requirements, limitations, and procedures contained therein.
- (2) A plot containing a two-family dwelling unit.
- (3) Community residential home, Type 1 as defined in section 2.2
- (4) Recovery residence, as defined in section 2.2

SECTION 4: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XVI Multiple Family Dwelling R-3 Section 16.2 Uses permitted is hereby amended to read as follows:

Section 16.2. - 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:

- (A) *Permitted use specified:*

1 (1) All uses permitted in the R-2 district, subject
2 to the limitations, requirements and procedures
3 contained therein.

4
5 (2) A plot containing multiple unit dwelling(s).

6
7 (3) Community residential home, Type 2 as defined in
8 section 2.2

9
10 (4) Recovery residence, as defined in section 2.2
11

12
13 ~~(B) Special exception uses: The following is authorized upon~~
14 ~~a finding by the city commission that a special exception~~
15 ~~to this article is warranted. Upon requesting said~~
16 ~~special exception by the city commission, the applicant~~
17 ~~must submit a boundary survey and legal description of~~
18 ~~the property involved, the proposed location of all~~
19 ~~buildings, accessways, open space and recreational~~
20 ~~facilities, accessory uses, fences and signage, screening~~
21 ~~and landscaping, lighting, and a conceptual paving,~~
22 ~~drainage and utility plan. The development review~~
23 ~~committee shall approve applicable site plan prior to~~
24 ~~consideration by the city commission.~~

25
26 ~~(1) Nursing homes, convalescent homes, foster homes,~~
27 ~~retirement homes, family care facilities, group~~
28 ~~care facilities for the elderly and other similar~~
29 ~~institutions for the care of the aged (subject to~~
30 ~~the development standards in the R-3A district).~~

31
32 ~~(2) Family care facilities, group care facilities and~~
33 ~~other similar facilities for dependent children or~~
34 ~~the physically handicapped designed for sixteen~~
35 ~~(16) clients or less and not providing psychiatric~~
36 ~~care (subject to the development standards in the~~
37 ~~R-3A district).~~

38 ~~The following criteria shall be taken into~~
39 ~~consideration by the city commission when~~
40 ~~evaluating special exception requests for the~~
41 ~~above-referenced facilities:~~

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

43 ~~(b) Accessibility for emergency vehicle services.~~

- ~~(c) Accessibility to public transportation.~~
~~(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 5: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XXII Community Business B-2 Section 22.2 Uses permitted is hereby amended to read as follows:

Section 22.3. - Permitted uses.

(A) *Permitted uses specified.* 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 the following specified uses:

Accessory uses and structures to a permitted use.

Adult day care center.

Answering service, subject to the following limitation(s):

(1) No sales and/or service shall be rendered therefrom.

Art gallery.

Art studio.

Auto parts, equipment and accessories, retail.

Auto tag agency.

Automatic teller machine (outdoor).

Bakery, retail.

1 Banks.

2 Bars and taverns, subject to the following
3 limitation(s):

- 4 (1) Not permitted within one thousand (1,000)
5 feet of any church, school or adult
6 bookstore/theater.
7

8 Bingo, subject to the following limitation(s):

- 9 (1) Only as an accessory use to a listed permitted
10 [use], and in accordance with all ordinances and
11 statutes.

12 Business office, no stock or storage.

13 Caterers.

14 Ceramic studio.

15 Check cashing service.

16 Child care center, subject to the following
17 limitation(s):

- 18 (1) Same shall contain a contiguous outdoor,
19 grassed and fenced play area located away from
20 vehicular traffic. See [Section 33.11](#).
21

22 Church, synagogue, and similar congregations of other
23 religion and denominations, subject to the following:

- 24 (1) That same shall not exceed seven thousand
25 (7,000) square feet in gross area.
26 (2) That bingo and other similar games of chance
27 are operated only as an accessory use.
28 (3) There shall be no academic parochial school on
29 the subject site.
30 (4) There shall be no associated residence on the
31 subject site.
32 (5) That all distance requirements to a COP
33 alcoholic beverage license are waived.
34 (6) That a safe and adequate pedestrian
35 circulation system has been provided.
36

1 Clubs—Civic, noncommercial.

2 Collection agency.

3 Costume rentals.

4 Dance academy.

5 Delicatessen.

6 Dental laboratory.

7 Detective agency.

8 Dry cleaning establishment subject to the following
9 limitations and requirements:

10 (1) Service shall be rendered directly to
11 customers who shall bring in and take away the
12 articles to be cleaned.

13 (2) The establishment shall not provide vehicle
14 pickup or delivery service.

15 (3) Ventilation shall direct exhaust away from
16 residential districts.

17 (4) Not more than ten (10) individual cleaning
18 units shall be used in any establishment, and the
19 total combined rated capacity shall not exceed
20 eighty (80) pounds.

21 (5) See [Section 33.11](#).

22
23 Employment agency.

24 Finance and mortgage institutions.

25 Fire station.

26 Groceries, retail.

27 Formal wear rentals.

28 Funeral home.

29 Health studio or club, gymnasium.

30 Janitorial service.

1 Jewelry, watch and electronic repairs.

2 Landscaping and plant nursery.

3 Laundries, coin-operated, subject to the following
4 limitation(s):

5 (1) Hours of operation limited to 7:00 a.m. to
6 11:00 p.m.

7
8 Locksmith.

9 Mail-plus service.

10 Medical office, subject to the following limitation(s):

11 (1) Less than three (3) physicians.

12 (2) Not including correctional and mental, nor
13 institutions for care of drug or liquor patients,
14 nor veterinary hospitals. May have a magnetic
15 resonance imaging (MRI) unit as an accessory.

16 Medical supply rentals.

17 Merchant, retail, subject to the limitations in [Section](#)
18 [22.5](#).

19 Museum.

20 Municipal buildings, parks, playgrounds.

21 Music, instruction, subject to the following
22 limitation(s):

23 (1) Soundproofing required.
24

25 Nightclubs, teen clubs, catering halls or dance halls,
26 with an occupant load of less than two hundred fifty
27 (250) persons, subject to the following limitation(s):

28 (1) Not permitted within one thousand (1,000)
29 feet of any church, school, or adult
30 bookstore/theater.

31
32 Music, instruction (soundproofed only).

1 Nightclubs, teen clubs, catering halls or dance halls,
2 with an occupant load of less than two hundred fifty
3 (250) persons.

4 Package store, subject to the following limitation(s):

- 5 (1) Not permitted within one thousand (1,000) feet
6 of any other package store.

7 Personal care services, subject to the following
8 limitation(s):

- 9 (1) Body art studios are not permitted.

10 Pet grooming, subject to the following limitation(s):

- 11 (1) Soundproofing required.

12 Pet shop, subject to the following limitation(s):

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

- 15 (2) No outdoor pens or runs permitted.

- 16 (3) Subject to the restrictions set forth in
17 [chapter 6](#) of the Margate Code of Ordinances.

18 Pharmacy, subject to the following limitations:

- 19 (1) No more than ten (10) per cent of all
20 prescription medication dispensed shall be from the
21 list of Schedule II controlled substances provided
22 in F.S. § 893.03.

- 23 (2) No less than fifty (50) per cent of floor area
24 shall be used for retail display and transactions.

25
26 Photograph developing and printing. See [section 33.11](#).

27 Photograph galleries.

28 Photographer.

29 Printing, photocopying, blueprinting shop subject to the
30 following:

- 31 (1) Maximum sheet press of twenty-five and one-
32 half (25.5) inches.

1 (2) The equipment shall be limited to photocopy,
2 diazo process or similar type print machines,
3 facsimile and offset duplicator machines.

4 (3) There shall be a maximum of five thousand
5 (5,000) square feet of gross floor area per
6 establishment.

7
8 Picture framing.

9 Professional office.

10 Real estate and appraisal office.

11 Recording studio, subject to the following
12 limitation(s):

13 (1) Soundproofing required.

14 Restaurants.

15 Sales office—No inventory.

16 Savings and loan institution.

17 School of instruction, non-academic.

18 Shoe repair shops.

19 Small appliance repair, subject to the following
20 limitation(s):

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

23
24 ~~Special residential facilities, category (2), subject to~~
25 ~~the following limitation(s):~~

26 ~~(1) These facilities shall not be located within the~~
27 ~~approved boundaries of the Margate Community~~
28 ~~Redevelopment Area.~~

29
30 ~~Special residential facility, category (3), subject to~~
31 ~~the following limitation(s):~~

~~(1) These facilities shall not be located within the approved boundaries of the Margate Community Redevelopment Agency.~~

Stocks and bonds brokerage office.

Substation for utilities (as required).

Tailor shop, seamstress.

Take-out foods.

Theater, indoor.

Travel agency.

Utilities, public offices.

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the following limitations:

- (1) Only one (1) vending machine shall be permitted outdoors per building; and
- (2) All vending machines must be located on a paved surface; and
- (3) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and
- (4) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and
- (5) The content of vending machines shall be limited to products that are naturally and customarily associated with the type of business utilizing the vending machine; and
- (6) No tobacco or alcohol products shall be permitted to be sold from a vending machine; and

- 1 (7) Only the product or service offered via the
2 vending machine shall be permitted to be
3 advertised on the vending machine; and
- 4 (8) The maximum size of an outdoor vending
5 machine shall be twenty-four (24) square
6 feet in area, and no taller than six and
7 one-half (6½) feet in height; and
- 8 (9) All outdoor vending machines must be
9 permitted by the Margate Building Department
10 prior to installation. All outdoor vending
11 machines must have a permanent power source
12 that has been professionally installed and
13 independently permitted by the Margate
14 Building Department. Connection of vending
15 machine to power source via extension
16 cord(s) is strictly prohibited; and
- 17 (10) Prior to issuing a permit for an outdoor
18 vending machine, a letter of authorization
19 from the property owner must be submitted
20 with the permit application.
21

22 Video rentals.
23

24 Walkway cafes less than four hundred (400) square feet in
25 area, permitted as an accessory use to a restaurant or
26 other food service establishment and subject to the
27 following requirements and limitations:

28 (1) *Application requirements.* Application for a
29 permit to operate a walkway cafe less than four
30 hundred (400) square feet in area shall be made at
31 the building department with the following
32 documentation:

33 (a) A walkway cafe application;

34 (b) Photographs, drawings, or manufacturers'
35 brochures describing the appearance of all
36 proposed tables, chairs, umbrellas, or other
37 objects related to the walkway cafe;

38 (c) A signed statement that the applicant
39 shall hold harmless the City, its officers,
40 and employees and shall indemnify the City,
41 its officers, and employees for any claims
42 for damages to property or injury to persons
43 which may be occasioned by any activity
44 carried on under the terms of the permit;

1 (d) A copy of public liability insurance,
2 food products liability insurance, and
3 property damage insurance from all claims
4 and damage to property or bodily injury,
5 including death, which may arise from
6 operations under the permit or in connection
7 therewith. Such insurance shall provide
8 coverage of not less than one million
9 dollars (\$1,000,000.00) for bodily injury,
10 and property damage respectively per
11 occurrence. Such insurance shall be without
12 prejudice to coverage otherwise existing
13 therein and shall name as additional insured
14 the City, its officers and employees.

15 (e) For walkway cafe applicants that serve
16 alcoholic beverages, liquor liability
17 insurance in the amount of one million
18 dollars (\$1,000,000.00) per occurrence for
19 bodily injury and property damage is
20 required. The applicant shall furnish and
21 maintain such public liability, liquor
22 products liability, and property damage
23 insurance from all claims and damage to
24 property or bodily injury, including death,
25 which may arise from operations under the
26 permit or in connection therewith. Such
27 insurance shall be without prejudice to
28 coverage otherwise existing therein and
29 shall name as additional insured, the City,
30 its officers and employees. Such insurance
31 will be primary to any insurance or self-
32 insurance whether collectible or not which
33 may be available to the City, its officers
34 or employees;

35 (f) All of the policies of insurance so
36 required to be purchased and maintained
37 shall contain a provision or endorsement
38 that the coverage afforded shall not be
39 canceled, materially changed or renewal
40 refused until at least thirty (30) calendar
41 days' written notice has been given to the
42 City by certified mail.

43 (2) *Use standards.*

44 (a) The following use standards shall be
45 adhered to in reviewing the application:

1 (i) The walkway cafe dining area shall be
2 located adjacent to the primary business, with
3 a minimum four-foot clear pedestrian passage
4 provided throughout. This minimum four-foot
5 requirement shall be measured and maintained
6 when chairs and tables are occupied.

7 (ii) The walkway cafe seating area shall not
8 interfere with the circulation of pedestrian
9 and/or vehicular traffic;

10 (iii) Tables, chairs, umbrellas, and any
11 other objects associated with the walkway cafe
12 shall be safe and convenient for users and
13 passers-by. The design, materials and colors
14 of such objects must be compatible with
15 [Section 40.5](#)—Exterior building or structural
16 color of the property maintenance standards of
17 the Margate Zoning Code.

18 (iv) Walkway cafes under four hundred (400)
19 square feet require no additional parking;

20 (v) Pass-through windows, take out windows,
21 or similar types of windows are not permitted;

22 (vi) Cooking facilities are prohibited on the
23 sidewalk with the exception of those temporary
24 mobile facilities that are used in the
25 finishing of meals that were substantially
26 prepared inside the building. All cooking
27 facilities permitted under this subsection
28 shall be removed immediately when not in use;

29 (vii) Audio/visual devices (televisions), and
30 public address systems are prohibited in the
31 walkway cafe dining area;

32 (viii) Speakers are permitted that play the
33 same music that would be played inside the
34 dining establishment, as long as such music is
35 not audible in the public right-of-way;

36 (ix) There shall be no advertising signs or
37 logos displayed on umbrellas or awnings
38 associated with the walkway cafe, including
39 those of the name or logo of the business
40 operating the walkway cafe;

41 (x) One (1) menu board or sandwich sign is
42 allowed per restaurant and shall be limited to
43 six (6) square feet in area;

1 (xi) The hours of operation for the walkway
2 cafe shall be no greater than that of the
3 principal restaurant;

4 (xii) Upon the issuance of a hurricane
5 warning, all outdoor furniture shall be
6 removed from the walkway cafe dining area;

7 (xiii) No objects that would have the effect
8 of forming a physical or visual barrier
9 discouraging the use of the sidewalk by the
10 general public shall be permitted around the
11 perimeter of a walkway cafe;

12 (xiv) The sidewalk area and all tables,
13 chairs, umbrellas and any other objects
14 associated with the walkway cafe must be kept
15 in a clean, orderly and safe condition, and
16 the area shall be cleared of all debris
17 throughout the day and at the close of
18 business.

19 (xv) All tableware must be immediately
20 removed at the close of business;

21 (xvi) Awnings shall be permitted over the
22 walkway cafe area if permitted in accordance
23 with the Florida Building Code;

24 (xvii) No tables, chairs, umbrellas, nor any
25 other part of a walkway cafe shall be
26 attached, chained or in any manner affixed to
27 any tree, post, sign, or other fixtures, curb,
28 or sidewalk within or near the permitted area;
29 and
30

31 (3) *Temporary suspension.*

32 (a) The city may require the temporary
33 removal of walkway cafes when street,
34 sidewalk, or utility repairs necessitate such
35 action.

36 (b) The city may immediately remove or
37 relocate all or parts of any walkway cafe in
38 emergency situations; and

39 (c) The city, its officers, and employees
40 shall not be responsible for any walkway cafe
41 components relocated during emergencies;
42

43 (4) *Denial, revocation or suspension of permit.*

44 (a) The city may deny, revoke or suspend a
45 permit for any walkway cafe if it is found that:

1 (i) Any necessary business or health permit
2 has been suspended, revoked or canceled;

3 (ii) The permit holder does not have
4 insurance which is correct and effective in
5 the minimum amount described in this chapter;

6 (iii) Changing conditions of pedestrian or
7 vehicular traffic cause congestion that
8 necessitates the removal of a walkway cafe.
9 Such decisions shall be based upon findings of
10 the city manager or his/her designee that the
11 minimum four-foot pedestrian path provided is
12 insufficient under existing circumstances and
13 represents a danger to the health, safety or
14 general welfare of pedestrians or vehicular
15 traffic; and/or

16 (iv) The permit holder has failed to correct
17 violations of this chapter or conditions of
18 his permit within seven (7) days of receipt of
19 a city notice of same.
20

21 (b) Tables, chairs and other vestiges of the
22 walkway cafe may be removed by the city, and a
23 reasonable fee charged for labor, transportation
24 and storage, should the permit holder fail to
25 remove said items within thirty-six (36) hours of
26 receipt of the city's final notice to do so for
27 any reason provided under this chapter.

28 (c) A revocation or suspension of a permit shall
29 be authorized only upon seven (7) days' notice to
30 the permit holder at the address listed on said
31 permit. During said time, the permit holder may
32 offer any documents or any other evidence why the
33 permit should not be revoked.

34 (d) Upon denial or revocation, the city shall
35 give notice of such action to the applicant or
36 the permit holder in writing stating the action
37 taken and the reason thereof. If the action of
38 the city is based on subsections (a)(2) or (3) of
39 this section, the action shall be effective upon
40 giving such notice to permit holder. Otherwise,
41 SUCH NOTICE SHALL BECOME EFFECTIVE WITHIN SEVEN
42 (7) DAYS UNLESS APPEALED TO THE CITY COMMISSION
43 WITHIN FIVE (5) DAYS' NOTICE OF THE DECISION OF
44 THE CITY manager or his/her designee.
45

Weight loss clinic

(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.

Amusement arcade center, in accordance with all provisions of Article XXXVI of the Margate Zoning Code and Chapter 849 of the Florida Statutes.

Animal clinic, pet hospital, subject to the following limitation(s):

(1) Adequate soundproofing in any area where animals are contained or treated.

(2) All boarding activities shall be ancillary to the primary use.

(3) Subject to the restrictions set forth in [chapter 6](#) of the Margate Code of Ordinances.

Bowling alley.

Convenience store.

Drive-thru facilities (with a permitted use). See [Section 33.11](#).

Hotels and motels, subject to the following conditions and limitations:

(1) The minimum plot area shall be two (2) acres.

(2) Any outdoor recreation areas including swimming pools shall be located at least twenty-five (25) feet from the plot line of any adjacent residentially zoned property unless the adjacent property is being utilized for business related parking.

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

(4) On-site common (not in room) dining facilities sufficient to serve anticipated hotel/motel patrons.

1 Laundries, coin-operated (extended hours of operation).

2 Nightclubs, teen clubs, catering halls or dance halls,
3 with an occupancy greater than two hundred fifty (250),
4 subject to the following limitation(s):

5 (1) Not permitted within one thousand (1,000) feet
6 of any church, school, or adult
7 bookstore/theater.
8

9 Outside sales, display, service, and/or storage with a
10 permitted use.

11 Promotional events, subject to following conditions:

12 (1) Shall be accessory to a permitted use and
13 temporary in nature.

14 (2) Shall be permitted after a finding by the
15 development review committee that such event meets
16 the criteria as set forth in [Section 22.13](#) of this
17 Code [appendix].
18

19 Restaurants with curb or automobile service, subject to
20 the following restrictions:

21 (1) Subject property shall be located a minimum of
22 seven hundred fifty (750) feet from single-family
23 property; such distance shall be measured from the
24 front door of the establishment to the single-
25 family property line;

26 (2) Such restaurant must be a free-standing
27 building; and

28 (3) All applicable city codes and regulations must
29 be complied with as of the time of application.
30

31 Swimming pool equipment and chemicals, retail, subject
32 to the following conditions and limitations:

33 (1) All swimming pool supplies, including pre-
34 packaged chemicals, except bulk quantities of
35 sodium hypochlorite, shall be dispensed strictly
36 through retail sales and shall be stored and sold
37 within a completely enclosed structure.

1 (2) Bulk quantities shall mean any quantity stored
2 in any container, which quantity is to be removed
3 for repackaging. Bulk storage shall mean any
4 storage of any material, which material is to be
5 removed for repackaging.

6 (3) No wholesale or bulk non-packaged storage or
7 sale of calcium hypochlorite or muriatic acid shall
8 be permitted. Muriatic acid shall be sold only if
9 prepackaged.

10 The handling and storage of all swimming pool
11 related chemicals and other such supplies shall be
12 regulated by the standards set forth in the Florida
13 Building Code, the Florida Fire Prevention Code,
14 the provisions of the National Fire Protection
15 Association relating to storage of liquid and solid
16 oxidizing materials and storage of gaseous
17 oxidizing materials, and applicable regulations
18 established by Broward County, as such standards be
19 amended from time to time.

20 (4) No chemical storage area shall be permitted
21 with one hundred (100) feet of any residential
22 district or use.

23 Walkway cafes greater than four hundred (400) square
24 feet in area, subject to the following requirements
25 and limitation (s):

26 (1) Walkway cafes over four hundred (400) square
27 feet shall provide one (1) parking space for every
28 thirty (30) feet of floor area over four hundred
29 (400) square feet, as required by subsection
30 [33.3](#)(19) of the Municipal Code.

31 (2) Photographs, drawings, or manufacturers'
32 brochures describing the appearance of all proposed
33 tables, chairs, umbrellas, or other objects related
34 to the walkway cafe;

35 (3) A signed statement that the applicant shall
36 hold harmless the City, its officers, and employees
37 and shall indemnify the City, its officers, and
38 employees for any claims for damages to property or
39 injury to persons which may be occasioned by any
40 activity carried on under the terms of the permit;

41 (4) A copy of public liability insurance, food
42 products liability insurance, and property damage
43 insurance from all claims and damage to property or
44 bodily injury, including death, which may arise

1 from operations under the permit or in connection
2 therewith. Such insurance shall provide coverage of
3 not less than one million dollars (\$1,000,000.00)
4 for bodily injury, and property damage respectively
5 per occurrence. Such insurance shall be without
6 prejudice to coverage otherwise existing therein
7 and shall name as additional insured the City, its
8 officers and employees:

9 (5) (a) For walkway cafe applicants with
10 restaurants that serve alcoholic beverages, liquor
11 liability insurance in the amount of one million
12 dollars (\$1,000,000.00) per occurrence for bodily
13 injury and property damage is required. The
14 applicant shall furnish and maintain such public
15 liability, liquor products liability, and property
16 damage insurance from all claims and damage to
17 property or bodily injury, including death, which
18 may arise from operations under the permit or in
19 connection therewith. Such insurance shall be
20 without prejudice to coverage otherwise existing
21 therein and shall name as additional insured, the
22 city, its officers and employees. Such insurance
23 will be primary to any insurance or self-insurance
24 whether collectible or not which may be available
25 to the city, its officers or employees;

26 (b) All of the policies of insurance so required to
27 be purchased and maintained shall contain a
28 provision or endorsement that the coverage afforded
29 shall not be canceled, materially changed or
30 renewal refused until at least thirty (30) calendar
31 days' written notice has been given to the city by
32 certified mail; and
33

34 (6) The required insurance coverage shall be
35 issued by an insurance company duly authorized and
36 licensed to do business in the State of Florida
37 with the following minimum qualifications in
38 accordance with the latest edition of A.M. Best's
39 Insurance Guide: Financial Stability: B+ to A+;
40

41 (7) Use standards will be the same as those
42 outlined for walkway cafes less than four hundred
43 (400) square feet, as outlined in subsection
44 [22.3](#)(A), Permitted uses;

45 (8) Temporary suspension guidelines will be the
46 same as those outlined for walkway cafes less than

four hundred (400) square feet, as outlined in subsection [22.3](#)(A), Permitted uses; and

(9) Denial, revocation or suspension of permit will be the same as outlined for walkway cafes less than four hundred (400) square feet, as outlined in subsection [22.3](#)(A), Permitted uses.

SECTION 6: The Code of the City of Margate, Florida, Appendix-A Zoning, Article XXIII Liberal Business B-3 Section 23.3 Uses permitted is hereby amended to read as follows:

Section 23.3. - Permitted uses.

(A) *Permitted uses specified.* 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 the following specified uses:

Accessory uses and structures to a permitted use.

Adult day care center.

Animal clinics, pet hospitals, subject to the following limitation(s):

(1) Adequate soundproofing in any area where animals are contained or treated.

(2) All boarding activities shall be ancillary to the primary use.

(3) Subject to the restrictions set forth in [chapter 6](#) of the Margate Code of Ordinances.

Answering service, subject to the following limitation(s):

(1) No sales and/or service shall be rendered therefrom.

Art gallery.

1 Art studio.

2 Auto parts, equipment and accessories, retail.

3 Auto tag agency.

4 Automatic teller machine (outdoor).

5 Bakery, retail.

6 Banks.

7 Bars, bottle clubs and taverns, subject to the following
8 limitation(s):

9 (1) Not permitted within one thousand (1,000) feet
10 of any church, school, or adult bookstore/theater.

11 Bingo, subject to the following limitation(s):

12 (1) Only as an accessory use to a listed
13 permitted, and in accordance with all ordinances
14 and statutes.

15 Boats and accessories, retail.

16 Body art studios, subject to the following limitations:

17 (1) No body art studio shall be located within one
18 thousand (1,000) feet from any other body art
19 studio.

20 (2) No body art studio shall be located within one
21 thousand (1,000) feet from any school or day care
22 center.

23 (3) Body art studios shall be required to have a
24 separate room for the purpose of tattooing and
25 piercing. Each room shall be limited to one (1)
26 customer chair and shall be apart from the waiting
27 room and the public. The room(s) shall not be
28 visible to the general public.

29
30 Bottled gas, subject to the following limitation(s):

31 (1) Not permitted within one hundred (100) feet of
32 residential districts.

1 Business office, no stock or storage.

2 Carpet cleaning, subject to the following limitation(s):

- 3 (1) Not permitted within one hundred (100) feet of
4 any residential district.

5
6 Caterers.

7 Ceramic studio.

8 Check cashing service.

9 Child care center, subject to the following
10 limitation(s):

- 11 (1) Same shall contain a contiguous outdoor,
12 grassed and fenced play area located away from
13 vehicular traffic. See [section 33.11](#).

14
15 Church, synagogue, and similar congregations of other
16 religion and denominations, subject to the following:

- 17 (1) That same shall not exceed seven thousand
18 (7,000) square feet in gross area.
19 (2) That bingo and other similar games of chance
20 are operated only as an accessory use.
21 (3) There shall be no academic parochial school on
22 the subject site.
23 (4) There shall be no associated residence on the
24 subject site.
25 (5) That all distance requirements to a COP
26 alcoholic beverage license are waived.
27 (6) That a safe and adequate pedestrian
28 circulation system has been provided.

29
30 Clubs—Civic, noncommercial.

31 Collection agency.

32 Commercial recreation (indoor).

1 Contractor's office.

2 Costume rentals.

3 Dance academy.

4 Delicatessen.

5 Dental laboratory.

6 Detective agency.

7 Dry cleaning establishment subject to the following
8 limitations and requirements:

9 (1) Service shall be rendered directly to
10 customers who shall bring in and take away the
11 articles to be cleaned.

12 (2) The establishment shall not provide vehicle
13 pickup or delivery service.

14 (3) Ventilation shall direct exhaust away from
15 residential districts.

16 (4) Not more than ten (10) individual cleaning
17 units shall be used in any establishment, and the
18 total combined rated capacity shall not exceed
19 eighty (80) pounds.

20 (5) See [section 33.11](#).

21
22 Employment agency.

23 Feed and seed suppliers.

24 Finance and mortgage institution.

25 Fire station.

26 Formal wear rentals.

27 Glass tinting.

28 Groceries, retail.

29 Gun shop.

1 Health studio or club, gymnasium.

2 Interior decoration shop, retail.

3 Janitorial service.

4 Jewelry, watch and electronic repairs.

5 Landscaping and plant nursery.

6 Laundries, coin-operated, subject to the following
7 limitation(s):

8 (1) Hours of operation limited to 7:00 a.m. to
9 11:00 p.m.

10
11 Locksmith.

12 Mail-plus services.

13 Medical office, subject to the following limitation(s):

14 (1) Not including correctional or mental, nor
15 institutions for care of drug or liquor patients.
16 May have a magnetic resonance imaging (MRI) unit as
17 an accessory.

18
19 Medical supply rentals.

20 Merchant, retail, subject to the limitations in [section](#)
21 [23.5](#).

22 Municipal buildings, parks, playgrounds.

23 Museum.

24 Music, instruction, subject to the following
25 limitation(s):

26 (1) Soundproofing required.
27

1 Nightclubs, teen clubs, catering halls or dance halls,
2 with an occupant load of less than two hundred fifty
3 (250) persons, subject to the following limitation(s):

- 4 (1) Not permitted within one thousand (1,000) feet
5 of any church, school, or adult bookstore/theater.
6

7 Package store, subject to the following limitation(s):

- 8 (1) Not permitted within one thousand (1,000) feet
9 of any other package store.
10

11 Personal care services.

12 Pet grooming, subject to the following limitation(s):

- 13 (1) Soundproofing required.
14

15 Pet shop, without kennel facilities, subject to the
16 following limitation(s):

- 17 (1) Not permitted within one hundred (100) feet of
18 any residential district.
19 (2) No outdoor pens or runs permitted.
20 (3) Subject to the restrictions set forth in
21 [chapter 6](#) of the Margate Code of Ordinances.
22

23 Pharmacy, subject to the following limitations:

- 24 (1) No more than ten (10) per cent of all prescription
25 medication dispensed shall be from the list of Schedule
26 II controlled substances provided in F.S. 893.03.

- 27 (2) No less than fifty (50) per cent of floor area shall
28 be used for retail display and transactions.
29

30 Photograph developing and printing. See [section 33.11](#).

31 Photograph galleries.

32 Photographer.

1 Picture framing.

2 Printing, photocopying, blueprinting shop subject to the
3 following:

4 (1) Maximum sheet press of twenty-five and one-
5 half (25.5) inches.

6 (2) The equipment shall be limited to photocopy,
7 diazo process or similar type print machines,
8 facsimile and offset duplicator machines.

9 (3) There shall be a maximum of five thousand
10 (5,000) square feet of gross floor area per
11 establishment.

12
13 Professional office.

14 Real estate and appraisal office.

15 Recording studio, subject to the following limitation(s):

16 (1) Soundproofing required.
17

18 Rental business.

19 Restaurants.

20 Sales office—No inventory.

21 Savings and loan institution.

22 Secondhand and/or used merchandise, retail.

23 School of instruction, nonacademic.

24 Shoe repair shops.

25 Small appliance repair, subject to the following
26 limitation(s):

27 (1) Not permitted within one hundred (100) feet of
28 any residential district.
29

~~Special residential facilities, category (2), subject to
the following limitation(s):~~

~~(1) These facilities shall not be located within the
approved boundaries of the Margate Community
Redevelopment Area.~~

~~Special residential facility, category (3), subject to
the following limitation(s):~~

~~(1) These facilities shall not be located within the
approved boundaries of the Margate Community
Redevelopment Agency.~~

Stocks and bonds brokerage office.

Substation for utilities (as required).

Swimming pool equipment and chemicals, retail, subject to
the following conditions and limitations.

(1) All swimming pool supplies, including pre-
packaged chemicals, except bulk quantities of
sodium hypochlorite, shall be dispensed strictly
through retail sales and shall be stored and sold
within a completely enclosed structure.

(2) Bulk quantities shall mean quantity stored in
any container, which quantity is to be removed for
repackaging. Bulk storage shall mean any storage or
any material, which material is to be removed for
repackaging.

(3) No wholesale or bulk non-packaged storage or
sale of calcium hypochlorite or muriatic acid shall
be permitted. Muriatic acid shall be sold only if
prepackaged.

(4) No chemical storage area permitted within one
hundred (100) feet of any residential district.

Tailor shop, seamstress.

Take-out foods.

1 Television, radio and movie studios, subject to the
2 following:

3 (1) No towers permitted.
4

5 Theater, indoor.

6 Theater, outdoor.

7 Travel agency.

8 Utilities, public offices.

9 Vending machine (outdoor), permitted as an accessory use
10 to a permitted use and subject to the following
11 limitations:

12 (1) Only one (1) vending machine shall be
13 permitted outdoors per building; and

14 (2) All vending machines must be located on a
15 paved surface; and

16 (3) No vending machine shall obstruct any
17 pedestrian means of travel nor reduce any walkway
18 to less than four (4) feet in width, nor shall any
19 vending machine be permitted within any parking
20 space, drive aisle, or alley; and

21 (4) All products offered for sale shall be
22 completely enclosed within an approved vending
23 machine and packaged for individual retail sale;
24 and

25 (5) The content of vending machines shall be
26 limited to products that are naturally and
27 customarily associated with the type of business
28 utilizing the vending machine; and

29 (6) No tobacco or alcohol products shall be
30 permitted to be sold from a vending machine; and

31 (7) Only the product or service offered via the
32 vending machine shall be permitted to be advertised
33 on the vending machine; and

34 (8) The maximum size of an outdoor vending
35 machine shall be twenty-four (24) square feet in
36 area, and no taller than six and one-half (6½) feet
37 in height; and

(9) All outdoor vending machines must be permitted by the Margate Building Department prior to installation. All outdoor vending machines must have a permanent power source that has been professionally installed and independently permitted by the Margate Building Department. Connection of vending machine to power source via extension cord(s) is strictly prohibited; and

(10) Prior to issuing a permit for an outdoor vending machine, a letter of authorization from the property owner must be submitted with the permit application.

Video rentals.

Vinyl graphics.

Walkway cafes less than four hundred (400) square feet in area permitted subject to conditions provided in [section 22.3](#).

Weight loss clinic.

SECTION 7: The Code of the City of Margate, Florida, Appendix-A Zoning, Article VII Transit Oriented Corridor - Corridor (TOC-C) District Section 7.3 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.

Accessory uses and structures to a permitted use.

Adult day care center.

Art gallery.

Art studio.

Automatic teller machine (outdoor).

1 Banks and other financial institutions. Subject to
2 requirements of [Section 33.11](#) of this Code.

3 Bars, bottle clubs, and taverns. Not permitted within one
4 thousand (1,000) feet of any church, school, or adult
5 bookstore/theater.

6 Body art studios, subject to the following limitations:

7 (a) No body art studio shall be located within one
8 thousand (1,000) feet from any other body art
9 studio; and

10 (b) No body art studio shall be located within one
11 thousand (1,000) feet from any academic school for
12 minors or day care; and

13 (c) Body art studios shall be required to have a
14 separate room for the purpose of tattooing and
15 piercing. Each room shall be limited to one (1)
16 customer chair and shall be apart from the waiting
17 room. The rooms shall not be visible to the general
18 public.

19
20 Bottled gas. (Not permitted within one hundred (100) feet
21 of any residential district or use).

22 Business office, no stock or storage.

23 Carpet cleaning. (Not permitted within one hundred (100)
24 feet of any residential district).

25 Caterers.

26 Check cashing. (Not permitted within one thousand feet
27 (1,000) of like use.)

28 Child care center. Same shall contain a contiguous
29 outdoor fenced or walled-in play area located away from
30 vehicular traffic and providing no less than thirty (30)
31 per cent shade coverage. The outdoor play area shall be
32 covered in turf, mulch, sand or other nonhazardous
33 pervious materials. The outdoor play area shall not be
34 credited toward open space requirements. Subject to
35 requirements of [Section 33.11](#) of this Code.

1 Church, synagogue, and similar congregations of other
2 religion and denominations, subject to the following:

3 (a) That same shall not exceed seven thousand
4 (7,000) square feet in gross area; and

5 (b) That bingo and other similar games of chance
6 are operated only as an accessory use; and

7 (c) There shall be no academic parochial school on
8 the subject site; and

9 (d) That all distance requirements to a COP
10 alcoholic beverage license are waived.

11 (e) That a safe and adequate pedestrian
12 circulation system has been provided.

13
14 Clubs-Civic, noncommercial (Less than three thousand
15 (3,000) square feet).

16 Commercial recreation (indoor).

17 Community residential home, Type 2 as defined in section
18 2.2

19
20 Dental laboratory.

21 Dry cleaning establishment subject to the following
22 limitations and requirements:

23 (a) Service shall be rendered directly to
24 customers who shall bring in and take away articles
25 to be cleaned; and

26 (b) The establishment shall not provide vehicle
27 pickup or delivery service; and

28 (c) Ventilation shall direct exhaust away from
29 residential districts and uses; and

30 (d) Not more than ten (10) individual cleaning
31 units shall be used in any establishment, and the
32 total combined rated capacity shall not exceed
33 eighty (80) pounds; and

34 (e) Subject to requirements of [Section 33.11](#) of
35 this Code.

36
37 Fire station.

1 Funeral home.

2 Glass tinting.

3 Groceries, retail.

4 Gun shop.

5 Health studio or club, gymnasium.

6 Janitorial service.

7 Jewelry, watch, and electronic repairs.

8 Landscaping and plant nursery.

9 Laundries, coin-operated (may only be open for operation
10 from 7:00 a.m. to 11:00 p.m.).

11 Locksmith.

12 Long-term care facility

13 Mail-plus service.

14 Medical office. Not including correctional or mental, nor
15 institutions for care of drug or liquor patients.

16 Merchant, retail.

17 Municipal buildings, parks, playgrounds.

18 Museum.

19 Music, instruction (indoors and soundproofed only).

20 Nightclubs, teen clubs, catering halls or dance halls,
21 with an occupant load of less than two hundred fifty
22 (250) persons. Minimum separation of one thousand (1,000)
23 feet to nearest school or adult bookstore/theater.
24 Subject to limitations of [section 33.11](#) of this Code.

25 Package store. Not permitted within one thousand (1,000)
26 feet of any other package store. Subject to requirements
27 of [section 33.11](#) of this Code.

1 Personal care services.

2 Pet grooming (soundproofed only).

3 Pet shop, subject to restrictions set forth in [chapter 6](#)
4 of the Margate Code of Ordinances.

5 Pharmacy.

6 Photography studio and developing. Subject to
7 requirements of [section 33.11](#) of this Code.

8 Picture framing.

9 Printing, photocopying, blueprinting shop subject to the
10 following:

11 (a) Maximum sheet press of twenty-five and one-
12 half (25.5) inches.

13 (b) The equipment shall be limited to photocopy,
14 diazo process or similar type print machines,
15 facsimile and offset duplicator machines.

16 (c) There shall be a maximum gross floor area of
17 five thousand (5,000) square feet of gross floor
18 area per establishment.

19
20 Professional office.

21 Recording studio (indoors and soundproofed only).

22 Rental business. (Not vehicular).

23 Restaurant. Subject to requirements of [section 33.11](#) of
24 this Code.

25 School of instruction. Subject to requirements of [section](#)
26 [33.11](#) of this Code.

27 Secondhand and/or used merchandise, retail.

28 Shoe repair shop.

29 Small appliance repair. Not permitted within one hundred
30 (100) feet of any residential district.

~~Special residential facility, category (2).~~

Substation for utilities.

Swimming pool equipment and chemicals, retail, subject to the following conditions and limitations:

(a) All swimming pool supplies, including prepackaged chemicals, except bulk quantities of sodium hypochlorite, shall be dispensed strictly through retail sales and shall be stored and sold within a completely enclosed structure.

(b) No wholesale or bulk nonpackaged storage or sale of calcium hypochlorite or muriatic acid shall be permitted. Muriatic acid shall be sold only if prepackaged.

(c) Chemical storage area not permitted within one hundred (100) feet of any residential district.

Tailor shop, seamstress.

Television, radio and movie studios (no towers).

Theater, indoor. Subject to requirements of [section 33.11](#) of this Code.

Utilities, public offices.

Vending machine (outdoor), permitted as an accessory use to a permitted use and subject to the following limitations:

(a) Only one (1) vending machine shall be permitted outdoors per building; and

(b) All vending machines must be located on a paved surface; and

(c) No vending machine shall obstruct any pedestrian means of travel nor reduce any walkway to less than four (4) feet in width, nor shall any vending machine be permitted within any parking space, drive aisle, or alley; and

(d) All products offered for sale shall be completely enclosed within an approved vending machine and packaged for individual retail sale; and

1 (e) The content of vending machines shall be
2 limited to products that are naturally and
3 customarily associated with the type of business
4 utilizing the vending machine; and

5 (f) No tobacco or alcohol products shall be
6 permitted to be sold from a vending machine; and

7 (g) Only the product or service offered via the
8 vending machine shall be permitted to be advertised
9 on the vending machine; and

10 (h) The maximum size of an outdoor vending machine
11 shall be twenty-four (24) square feet in area, and
12 no taller than six and one-half (6½) feet in
13 height.

14 (i) All outdoor vending machines must be permitted
15 by the Margate Building Department prior to
16 installation. All outdoor vending machines must
17 have a permanent power source that has been
18 professionally installed and independently
19 permitted by the Margate Building Department.
20 Connection of vending machine to power source via
21 extension cord(s) is strictly prohibited; and

22 (j) Prior to issuing a permit for an outdoor
23 vending machine, a letter of authorization from the
24 property owner must be submitted with the permit
25 application.

26
27 Vinyl graphics.

28 Walkway cafes less than four hundred (400) square feet in
29 area; permitted subject to the criteria and
30 limitations contained in subsection [22.3](#)(A) of this
31 Code.

32 (B) *Special exception uses* . Special exception uses may be
33 deemed appropriate to provide a complete distribution of
34 commercial uses with the city, but because of their
35 operational characteristics or area requirements need to be
36 given individual consideration with respect to their
37 location, access and relationship to adjacent properties
38 and public rights-of-way, and conformity with the city's
39 current and future redevelopment efforts.

40 (1) The following uses are authorized upon a finding by
41 the city commission that a special exception to the
42 article is warranted, pursuant to the procedure and

1 criteria set forth in sections [22.9](#) through [22.12](#) of
2 this Code.

3 (a) Amusement arcade centers in accordance with
4 all provisions of Article XXXVI of the Margate
5 Zoning Code and F.S. Chapter 849.

6 (b) Animal clinics, pet hospitals, subject to the
7 following limitations:

8 1. Adequate soundproofing in any area where
9 animals are contained or treated; and

10 2. All boarding activities shall be ancillary to
11 the primary use; [and]

12 3. Subject to restrictions set forth in [chapter](#)
13 [6](#) of the Margate Code of Ordinances.

14
15 (c) Auction gallery for art goods, jewelry, rugs,
16 furniture, and other similar items.

17 (d) Automobile detailing, washing and polishing.
18 Subject to requirements of [section 33.11](#) of this
19 Code.

20 (e) Automobile sales agency, new and used
21 automobile, commercial vehicle, truck, trailer,
22 boat, and recreational vehicle display, sales and
23 repair. Not permitted within one hundred (100) feet
24 of any residential district or use.

25 (f) Automobile tires, new. Not permitted within
26 one hundred (100) feet of any residential district
27 or use.

28 (g) Bowling alley. Subject to requirements of
29 [section 33.11](#) of this Code.

30 (h) Car wash rack. Not permitted within one
31 thousand (1,000) feet of any other car wash rack.
32 Not permitted within one hundred (100) feet of any
33 residential district or use.

34 (i) Commercial recreation (outdoor).

35 (j) Drive through facilities (with a permitted
36 use). Subject to requirements of [section 33.11](#).

37 (k) Gasoline service station. Subject to
38 requirements and limitations of section 3.18 of
39 this Code. Fuel pumps not permitted within sixty
40 (60) feet of any residential district or use.

41 (l) Hotels and motels, subject to the following
42 conditions and limitations:

43 1. Any outdoor recreation areas including
44 swimming pools shall be located at least

1 twenty-five (25) feet from the plot line of
2 any adjacent residentially zoned property; and

3 2. The minimum floor area of rental sleeping
4 room in a motel or hotel, which includes all
5 areas to be individually rented by a customer,
6 shall be three hundred (300) square feet.

7 (m) Laundries, coin operated (extended hours of
8 operation).

9 (n) Limited access self-service storage facilities
10 (SSSF) subject to the following restrictions:

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

14 2. All SSSFs shall be located as part of a
15 planned commercial development containing at
16 least three (3) acres. No more than fifty (50)
17 per cent of the subject property shall be
18 occupied by the SSSF, including all required
19 driveways, landscaping and parking areas; and

20 3. The area so designated for SSSFs shall be
21 clearly delineated upon the site plan
22 accompanying the application for a planned
23 commercial development. Occupancy will be
24 issued to the SSSF concurrent with at least
25 one (1) other building within the planned
26 commercial development. In the event of a
27 multiple phased development, no SSSF shall be
28 permitted for construction in phase I without
29 at least one (1) other building being
30 constructed concurrently to ensure that no
31 self-storage facility exists independently,
32 prior to the construction of other uses; and

33 4. The exterior colors, facades, windows,
34 roof, architectural treatments and features,
35 and building materials of all structures shall
36 be compatible and complimentary with the
37 character of the surrounding area; and

38 5. Individual storage units or private postal
39 boxes in an SSSF shall not be considered a
40 premises for the purpose of assigning a legal
41 address in order to obtain a local business
42 tax receipt to do business; and

43 6. All SSSFs shall have a common entrance to
44 be used by its tenants. Access for individual
45 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.

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

(p) 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.

(q) 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.

(r) Pain management clinic, subject to limitations and requirements of Article XXX 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 development review committee that such event meets the criteria as set forth in [section 22.13](#) of this Code.

(t) 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.

(u) Theater, outdoor. Subject to requirements of [section 33.11](#) of this Code.

(v) Vehicle rental business.

(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 8: 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 follows:

Section 11.3. - Permitted uses.

(A) 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.

(2) 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.

(3) Hospitals, detoxification facilities, and long term care facilities ~~nursing and convalescent homes~~ not 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.

~~(4) 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.~~

(5) Municipal buildings, fire stations, libraries, public offices, parks, playgrounds, reservations, parking.

(6) 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 city, 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 city's current and future redevelopment efforts.

(1) The following uses are authorized upon a finding by the commission that a special exception to the article is warranted. The commission 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.

(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 9: All ordinances or parts of ordinances in conflict herewith are and the same is hereby 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

1 said holding shall in no way affect the validity of the
2 remaining portions of this ordinance.

3
4 **SECTION 11:** It is the intention of the City
5 Commission that the provisions of this ordinance shall become
6 and be made a part of the City of Margate Code, and that the
7 sections of this ordinance may be renumbered or relettered and
8 the word "ordinance" may be changed to "section", "article"
9 or such other appropriate word or phrase in order to
10 accomplish such intentions.

11
12 **SECTION 12:** This ordinance shall become effective
13 immediately upon adoption at its second reading.

14
15 PASSED ON FIRST READING THIS ____ day of ____ 2017.

16
17 PASSED ON SECOND READING THIS ____ day of ____ 2017.

18
19 ATTEST:

20
21
22 _____
23 JOSEPH KAVANAGH
24 CITY CLERK

25
26 _____
27 MAYOR TOMMY RUZZANO

28
29
30
31
32
33
34
35
36
RECORD OF VOTE - 1ST READING *RECORD OF VOTE - 2ND READING*

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____