

CITY OF MARGATE, FLORIDA

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

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; 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 XXI NEIGHBORHOOD BUSINESS B-1 DISTRICT, SECTION 21.3 PERMITTED USES; ARTICLE VII TRANSIT ORIENTED CORRIDOR - CORRIDOR (TOC-C) DISTRICT, SECTION 7.3 PERMITTED USES; ARTICLE VIII TRANSIT ORIENTED CORRIDOR - GATEWAY (TOC-G) DISTRICT, SECTION 8.4 PERMITTED USES; ARTICLE IX TRANSIT ORIENTED CORRIDOR - CITY CENTER (TOC-CC) DISTRICT, SECTION 9.5 PERMITTED USES; PROVIDING FOR MINIMUM STANDARDS; 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, Article XXII Community Business B-2 District Section 22.3 Permitted uses is hereby amended to read as follows<sup>1</sup>:

**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:

. . .

<sup>1</sup>CODING: 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 Walkway cafes less than ~~four hundred (400)~~ one thousand  
2 (1,000) square feet in area, permitted as an accessory  
3 use to a restaurant or other food service establishment  
4 and subject to the following requirements and  
5 limitations:

6 (1) *Application requirements.* Application for a permit  
7 to operate a walkway cafe less than ~~four hundred (400)~~  
8 one thousand (1,000) square feet in area shall be made  
9 at the building department with the following  
10 documentation:

11 (a) A walkway cafe application;

12 (b) Photographs, drawings, or manufacturers'  
13 brochures describing the appearance of all proposed  
14 tables, chairs, umbrellas, or other objects related  
15 to the walkway cafe;

16 (c) A signed statement that the applicant shall  
17 hold harmless the City, its officers, and employees  
18 and shall indemnify the City, its officers, and  
19 employees for any claims for damages to property or  
20 injury to persons which may be occasioned by any  
21 activity carried on under the terms of the permit;

22 (d) A copy of public liability insurance, food  
23 products liability insurance, and property damage  
24 insurance from all claims and damage to property or  
25 bodily injury, including death, which may arise from  
26 operations under the permit or in connection  
27 therewith. Such insurance shall provide coverage of  
28 not less than one million dollars (\$1,000,000.00)  
29 for bodily injury, and property damage respectively  
30 per occurrence. Such insurance shall be without  
31 prejudice to coverage otherwise existing therein and  
32 shall name as additional insured the City, its  
33 officers and employees.

34 (e) For walkway cafe applicants that serve  
35 alcoholic beverages, liquor liability insurance in  
36 the amount of one million dollars (\$1,000,000.00)  
37 per occurrence for bodily injury and property damage  
38 is required. The applicant shall furnish and  
39 maintain such public liability, liquor products  
40 liability, and property damage insurance from all  
41 claims and damage to property or bodily injury,  
42 including death, which may arise from operations  
43 under the permit or in connection therewith. Such  
44 insurance shall be without prejudice to coverage  
45 otherwise existing therein and shall name as

1 additional insured, the City, its officers and  
2 employees. Such insurance will be primary to any  
3 insurance or self-insurance whether collectible or  
4 not which may be available to the City, its officers  
5 or employees;

6 (f) All of the policies of insurance so required to  
7 be purchased and maintained shall contain a  
8 provision or endorsement that the coverage afforded  
9 shall not be canceled, materially changed or renewal  
10 refused until at least thirty (30) calendar days'  
11 written notice has been given to the City by  
12 certified mail.

13 (2) *Use standards.*

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

16 (i) The walkway cafe dining area shall be  
17 located adjacent to the primary business, with a  
18 minimum four-foot clear pedestrian passage  
19 provided throughout. This minimum four-foot  
20 requirement shall be measured and maintained when  
21 chairs and tables are occupied.

22 (ii) The walkway cafe seating area shall not  
23 interfere with the circulation of pedestrian  
24 and/or vehicular traffic;

25 (iii) Tables, chairs, umbrellas, and any other  
26 objects associated with the walkway cafe shall be  
27 safe and convenient for users and passers-by. The  
28 design, materials and colors of such objects must  
29 be compatible with Section 40.5-Exterior building  
30 or structural color of the property maintenance  
31 standards of the Margate Zoning Code.

32 (iv) Walkway cafes under ~~four hundred (400)~~ one  
33 thousand (1,000) square feet require no  
34 additional parking;

35 ~~(v) Pass-through windows, take out windows, or~~  
36 ~~similar types of windows are not permitted;~~

37 ~~(v+v)~~ Cooking facilities are prohibited on the  
38 sidewalk with the exception of those temporary  
39 mobile facilities that are used in the finishing  
40 of meals that were substantially prepared inside  
41 the building. All cooking facilities permitted  
42 under this subsection shall be removed  
43 immediately when not in use;

1           ~~(vii)~~ Audio/visual devices (televisions), ~~and~~  
2           ~~public address systems are prohibited~~ are  
3           permitted in the walkway cafe dining area;

4           ~~(viii)~~ Speakers are permitted that play the  
5           same music that would be played inside the dining  
6           establishment, as long as such music is not  
7           audible in the public right-of-way. Public  
8           address systems are prohibited;

9           ~~(ix)~~ Awning signs meeting the  
10          specifications provided in Section 39.6 of this  
11          Code are permitted. Logos up to four (4) square  
12          feet are permitted on umbrellas; There shall be  
13          ~~no advertising signs or logos displayed on~~  
14          ~~umbrellas or awnings associated with the walkway~~  
15          ~~cafe, including those of the name or logo of the~~  
16          ~~business operating the walkway cafe;~~

17          ~~(x) One (1) menu board or sandwich sign is~~  
18          ~~allowed per restaurant and shall be limited to~~  
19          ~~six (6) square feet in area;~~

20          ~~(xi)~~ The hours of operation for the walkway  
21          cafe shall be no greater than that of the  
22          principal restaurant;

23          ~~(xii)~~ Upon the issuance of a hurricane warning,  
24          all outdoor furniture shall be removed from the  
25          walkway cafe dining area;

26          ~~(xiii) No objects that would have the effect of~~  
27          ~~forming a physical or visual barrier discouraging~~  
28          ~~the use of the sidewalk by the general public~~  
29          ~~shall be permitted around the perimeter of a~~  
30          ~~walkway cafe;~~

31          ~~(xiv)~~ The sidewalk area and all tables,  
32          chairs, umbrellas and any other objects  
33          associated with the walkway cafe must be kept in  
34          a clean, orderly and safe condition, and the area  
35          shall be cleared of all debris throughout the day  
36          and at the close of business.

37          ~~(xv)~~ All tableware must be immediately  
38          removed at the close of business;

39          ~~(xvi)~~ Awnings shall be permitted over the  
40          walkway cafe area if permitted in accordance with  
41          the Florida Building Code;

42          ~~(xvii)~~ No tables, chairs, umbrellas, nor any  
43          other part of a walkway cafe shall be attached,  
44          chained or in any manner affixed to any tree,

1 post, sign, or other fixtures, curb, or sidewalk  
2 within or near the permitted area; and

3 (3) *Temporary suspension.*

4 (a) The eCity may require the temporary removal of  
5 walkway cafes when street, sidewalk, or utility  
6 repairs necessitate such action.

7 (b) The eCity may immediately remove or relocate  
8 all or parts of any walkway cafe in emergency  
9 situations; and

10 (c) The eCity, its officers, and employees shall  
11 not be responsible for any walkway cafe components  
12 relocated during emergencies;

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

14 (a) The eCity may deny, revoke or suspend a permit  
15 for any walkway cafe if it is found that:

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

18 (ii) The permit holder does not have insurance  
19 which is correct and effective in the minimum  
20 amount described in this chapter;

21 (iii) Changing conditions of pedestrian or  
22 vehicular traffic cause congestion that  
23 necessitates the removal of a walkway cafe. Such  
24 decisions shall be based upon findings of the  
25 city manager or his/her designee that the minimum  
26 four-foot pedestrian path provided is  
27 insufficient under existing circumstances and  
28 represents a danger to the health, safety or  
29 general welfare of pedestrians or vehicular  
30 traffic; and/or

31 (iv) The permit holder has failed to correct  
32 violations of this chapter or conditions of his  
33 permit within seven (7) days of receipt of a city  
34 notice of same.

35 (b) Tables, chairs and other vestiges of the  
36 walkway cafe may be removed by the eCity, and a  
37 reasonable fee charged for labor, transportation and  
38 storage, should the permit holder fail to remove  
39 said items within thirty-six (36) hours of receipt  
40 of the eCity 's final notice to do so for any reason  
41 provided under this chapter.

42 (c) A revocation or suspension of a permit shall be  
43 authorized only upon seven (7) days' notice to the  
44 permit holder at the address listed on said permit.  
45 During said time, the permit holder may offer any

documents or any other evidence why the permit should not be revoked.

(d) Upon denial or revocation, the eCity shall give notice of such action to the applicant or the permit holder in writing stating the action taken and the reason thereof. If the action of the eCity is based on subsections (a) (2) or (3) of this section, the action shall be effective upon giving such notice to permit holder. Otherwise, such notice shall become effective within seven (7) days unless appealed to the city commission within five (5) days' notice of the decision of the city manager or his/her designee.

. . .

(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.

. . .

Walkway cafes greater than ~~four hundred (400)~~ one thousand (1,000) square feet in area, subject to the following requirements and limitation (s):

(1) Walkway cafes over ~~four hundred (400)~~ one thousand (1,000) square feet shall provide one (1) parking space for every thirty (30) feet of floor area over ~~four hundred (400)~~ one thousand (1,000) square feet, as required by subsection 33.3(19) of the Municipal Code.

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

(3) A signed statement that the applicant shall hold harmless the City, its officers, and employees and shall indemnify the City, its officers, and employees for any claims for damages to property or injury to

persons which may be occasioned by any activity carried on under the terms of the permit;

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

(5)

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

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

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

(7) Use standards, temporary suspension guidelines, and denial, revocation, or suspension of permit, will be the same as those outlined for walkway cafes less

1 than ~~four hundred (400)~~ one thousand (1,000) square  
2 feet, as outlined in subsection 22.3(A), ~~Permitted~~  
3 ~~uses;~~ of this Code.

4 ~~(8) Temporary suspension guidelines will be the same~~  
5 ~~as those outlined for walkway cafes less than four~~  
6 ~~hundred (400) square feet, as outlined in subsection~~  
7 ~~22.3(A), Permitted uses; and~~

8 ~~(9) Denial, revocation or suspension of permit will be~~  
9 ~~the same as outlined for walkway cafes less than four~~  
10 ~~hundred (400) square feet, as outlined in subsection~~  
11 ~~22.3(A), Permitted uses.~~

12  
13 . . .  
14  
15 [Note to Municipal Code: The rest of this section shall  
16 remain as codified.]

17  
18 **SECTION 2:** The Code of the City of Margate, Florida,  
19 Appendix-A Zoning, Article XXIII Liberal Business B-3 District  
20 Section 23.3 Permitted Uses is hereby amended to read as  
21 follows:  
22

23 **Section 23.3. - Permitted uses.**

24 . . .  
25  
26 Walkway cafes less than ~~four hundred (400)~~ one thousand  
27 (1,000) square feet in area permitted subject to  
28 conditions provided in section 22.3.

29 . . .  
30  
31• (B) *Special exception uses.* The following uses are  
32 authorized upon a finding by the city commission that a  
33 special exception to the article is warranted, pursuant to the  
34 procedure and criteria set forth in sections 22.9 through  
35 22.12 of this Code.  
36  
37

1 Walkway cafes greater than ~~four hundred (400)~~ one  
2 thousand (1,000) square feet in area (subject to the  
3 provisions of Section 22.3(B)).

4 . . .

5  
6 [Note to Municipal Code: The rest of this section shall  
7 remain as codified.]

8  
9  
10 **SECTION 3:** The Code of the City of Margate, Florida, Appendix-  
11 A Zoning, Article XX1 Neighborhood Business B-1 District  
12 Section 21.3 Permitted Uses is hereby amended to read as  
13 follows:  
14

15 **Section 21.3. - Permitted uses.**

16 . . .

17  
18 Walkway cafes less than ~~four hundred (400)~~ one thousand  
19 (1,000) square feet in area, permitted as an  
20 accessory use to a restaurant or other food  
21 service establishment and subject to the  
22 requirements and limitations provided in section  
23 23.3.

24 . . .

25  
26 [Note to Municipal Code: The rest of this section shall  
27 remain as codified.]

28  
29  
30 **SECTION 4:** The Code of the City of Margate, Florida,  
31 Appendix-A Zoning, Article VII Transit Oriented Corridor -  
32 Corridor (TOC-C) District Section 7.3 TOC-C Corridor Permitted  
33 Uses is hereby amended to read as follows:  
34

35 **Section 7.3. - TOC-C Corridor permitted uses.**

36  
37 (A) [Permitted uses.] No building or structure, or part  
38 thereof, shall be erected, altered or used, or land or

1 water used, in whole or in part, for other than any of  
2 the uses specified below.

3  
4 . . .

5  
6 Walkway cafes less than ~~four hundred (400)~~ one thousand (1,000)  
7 square feet in area; permitted subject to the criteria and  
8 limitations contained in subsection 22.3(A) of this Code.

9  
10 (B) *Special exception uses.* Special exception uses may be  
11 deemed appropriate to provide a complete distribution of  
12 commercial uses with the eCity, but because of their  
13 operational characteristics or area requirements need to be  
14 given individual consideration with respect to their location,  
15 access and relationship to adjacent properties and public  
16 rights-of-way, and conformity with the eCity 's current and  
17 future redevelopment efforts.

18 (1) The following uses are authorized upon a finding by  
19 the city commission that a special exception to the article  
20 is warranted, pursuant to the procedure and criteria set  
21 forth in sections 22.9 through 22.12 of this Code.

22  
23 . . .

24  
25 (w) Walkway cafes greater than ~~four hundred (400)~~ one  
26 thousand (1,000) square feet in area, subject to the  
27 criteria and limitations in section 22.3(B) of this  
28 Code.

29  
30 . . .

31  
32 [Note to Municipal Code: The rest of this section shall  
33 remain as codified.]

34  
35  
36 **SECTION 5:** The Code of the City of Margate, Florida,  
37 Appendix-A Zoning, Article VIII Transit Oriented Corridor -  
38 Gateway (TOC-G) District Section 8.4 TOC-G Gateway Permitted  
39 Uses is hereby amended to read as follows:

1  
2 **Section 8.4. - TOC-G Gateway permitted uses.**  
3

4 (A) *[Permitted uses.]* No building or structure, or part  
5 thereof, shall be erected, altered or used, or land or  
6 water used, in whole or in part, for other than any of  
7 the uses specified below.  
8

9 . . .  
10  
11 Walkway cafes less than ~~four hundred (400)~~ one  
12 thousand (1,000) square feet in area; permitted  
13 subject to the criteria and limitations contained in  
14 subsection 22.3(A) of this Code.  
15

16 (B) *Special exception uses.* Special exception uses may be  
17 deemed appropriate to provide a complete distribution of  
18 commercial uses with the eCity, but because of their  
19 operational characteristics or area requirements need to be  
20 given individual consideration with respect to their location,  
21 access and relationship to adjacent properties and public  
22 rights-of-way, and conformity with the eCity 's current and  
23 future redevelopment efforts.

24 (1) The following uses are authorized upon a finding by  
25 the city commission that a special exception to the article  
26 is warranted, pursuant to the procedure and criteria set  
27 forth in sections 22.9 through 22.12 of this Code.  
28

29 . . .  
30  
31 (m) Walkway cafes greater than ~~four hundred (400)~~ one  
32 thousand (1,000) square feet in area, subject to the  
33 criteria and limitations in section 22.3(B) of this  
34 Code.  
35

36 **[Note to Municipal Code: The rest of this section shall**  
37 **remain as codified.]**  
38

**SECTION 6:** The Code of the City of Margate, Florida, Appendix-A Zoning, Article IX Transit Oriented Corridor - City Center (TOC-CC) District Section 9.5 TOC-CC City Center Permitted uses is hereby amended to read as follows:

**Section 9.5. - TOC-CC City Center permitted uses.**

(A) *[Permitted uses.]* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than any of the uses specified below.

. . .

Walkway cafes less than ~~four hundred (400)~~ one thousand (1,000) square feet in area; permitted subject to the criteria and limitations contained in subsection 22.3(A) of this Code.

(B) *Special exception uses.* Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses within the eCity, 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 eCity 's current and future redevelopment efforts.

(1) 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.

. . .

(j) Walkway cafes greater than ~~four hundred (400)~~ one thousand (1,000) square feet in area, subject to the criteria and limitations in subsection 22.3(B) of this Code.

. . .

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

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

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

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

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

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

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

ATTEST:

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

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

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

Caggiano \_\_\_\_\_  
Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_

Caggiano \_\_\_\_\_  
Simone \_\_\_\_\_  
Peerman \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_