

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 31, PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS; CREATING NEW ARTICLE VI; CREATING NEW SECTION 31-54, QUASI JUDICIAL PROCEEDINGS; CREATING NEW SECTION 31-55, PUBLIC NOTICE; AMENDING ARTICLE XXII COMMUNITY BUSINESS B-2 DISTRICT, ARTICLE XXI NEIGHBORHOOD BUSINESS DISTRICT, SECTION 21.3, ARTICLE XXIII LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3, ARTICLE XXIV LIGHT INDUSTRIAL M-1 DISTRICT, SECTION 24.3, ARTICLE XXV INDUSTRIAL PARK M-1A DISTRICT, SECTION 25.3, ARTICLE XI COMMUNITY FACILITY CF-1 DISTRICT, SECTION 11.3, ARTICLE VII TRANSIT ORIENTED CORRIDOR-CORRIDOR (TOC-C) DISTRICT, SECTION 7.3, ARTICLE VIII TRANSIT ORIENTED CORRIDOR-GATEWAY (TOC-G) DISTRICT; SECTION 8.4, ARTICLE IX TRANSIT ORIENTED CORRIDOR-CITY CENTER (TOC-CC) DISTRICT, SECTION 9.5 AND SECTION 9.8, ARTICLE XXXI NONCONFORMING USE AND STRUCTURES, SECTION 31.7, ARTICLE XXXVI ARCADE AMUSEMENT CENTERS AND DEVICES, SECTION 36.3, ARTICLE XXXIX SIGN CODE, SECTION 39.4 REQUIRED SIGNS, CHAPTER 2, ADMINISTRATION, ARTICLE IV BOARDS, COMMITTEES, ETC. DIVISION 2. BOARD OF ADJUSTMENT, CHAPTER 11 DRAINAGE AND WATERWAY STRUCTURES, PROVIDING FOR USES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: The Code of the City of Margate, Florida, Chapter 31 Platting, Subdivision and Other Land Uses, Article VI Quasi-Judicial Proceedings, is hereby created to read as follows¹:

ARTICLE 6 - QUASI JUDICIAL PROCEEDINGS

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

1 **Sec. 31-54 - Special exceptions**

2
3 (A) Purpose. Special exceptions are generally compatible with
4 other land uses permitted in a zoning district but, due to
5 their unique characteristics or potential impacts on the
6 surrounding neighborhood and the City as a whole, require
7 individual review as to location, design, configuration, and/or
8 operation for the particular use at the particular location
9 proposed, as well as the imposition of individualized
10 conditions in order to ensure that the use is compatible with
11 the surrounding neighborhoods and appropriate at a particular
12 location.

13
14 (B) Application requirements. No use designated as a special
15 exception shall be established until after such use has
16 received approval under the provisions of this section and has
17 received all permits required by this Code of Ordinances and
18 the Florida Building Code. An application for special exception
19 approval shall be filed with the Economic Development
20 Department on forms provided. The application shall include:

21 (1) A preliminary site plan, meeting the technical
22 requirements for a final site plan and containing all
23 relevant information necessary for review, including,
24 but not be limited to, the following:

25 (a) A survey meeting the technical standards of the
26 Florida Department of Professional Regulation, Board
27 of Land Surveyors.

28 (b) An accurate tree location plan, superimposed over
29 the basic site plan, showing the species and size of
30 all trees of three (3) inches or greater caliper,
31 d.b.h.

32 (c) Site data, including floor areas, aggregate
33 building coverage, green space, vehicular use areas,
34 retention areas and parking ratio.

35 (d) Each site plan presented herewith shall be drawn
36 to a scale of no less than one (1) inch equals fifty
37 (50) feet, and shall include the complete dimensioning
38 and location of:

39 1. Plot lines.

40 2. Existing and proposed buildings and all other
41 proposed improvements.

42 3. Off-street parking, curbing, wheel stops and
43 interior landscape area.

4. Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes.
5. Setbacks.
6. Floor plans, and exterior sales, storage or service areas.
7. Internal walks and pedestrian ways.
8. Typical building exterior elevation view.
9. Signs and exterior lighting.
10. Water mains and fire hydrants; sewer laterals.
11. Buffering and fencing or decorative masonry walls.
12. Solid waste disposal containers and enclosures.
13. Proposed finished floor and pavement elevations.
14. Landscaping plan.
15. Any other architectural, engineering or other data as may be required to permit the necessary findings.

- (2) The required application fee, as provided in Section 31-39 of this Code.
- (3) A written and graphic summary of the proposed project and its relationship to the general standards of review in section 31-54(C) of this Code.
- (4) Ownership affidavit and owner's sworn to consent, if applicable.

(C) General standards of review. In addition to the standards set forth in this Code of Ordinances for the particular use, all proposed special exceptions shall meet each of the following standards:

- (1) The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.
- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
- (3) The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood.
- (4) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, shall exist at the City's adopted levels of service, or will be available concurrent with

demand as provided for in the requirements of this Code of Ordinances.

(5) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right.

(6) There shall be adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas shall be convenient and conducive to safe operation consistent with city standards to the greatest extent possible.

(7) The establishment of the special exception shall not impede the development of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties;

(8) The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.

(9) The City Commission finds that the granting of the application will be in the best interest of the City.

(D) *Review by Development Review Committee (DRC).* A complete application which is submitted pursuant to a schedule prepared by the Economic Development Department shall be reviewed at the next available DRC meeting. The DRC shall review the proposed use based on the general standards of review, use regulations, development standards of this Code, and all other applicable development regulations. The DRC chairman shall submit a written report, incorporating the findings and recommendation of the DRC, to the Planning and Zoning Board and City Manager.

(E) *Meeting of the Planning and Zoning Board.* The Planning and Zoning Board shall conduct a public hearing in which they discuss the DRC report and the project proposal, prior to making a recommendation concerning the project to the City Commission. If the Planning and Zoning Board determines that the proposed use is in compliance with general standards of review, use regulations, and development standards of this Code, then they shall recommend approval of the special exception to the City Commission, with or without conditions,

1 as determined appropriate. If the Planning and Zoning Board
2 finds that the proposed special exception is not in compliance,
3 they shall recommend denial of the application. The Planning
4 and Zoning Board may continue the matter until any additional
5 information or studies requested have been completed and
6 offered in testimony.

7
8 (F) *Review by City Commission.* The City Commission
9 shall review all special exception applications. The Director
10 of Economic Development shall transmit to the City Manager a
11 copy of the complete application and a written staff report
12 summarizing the facts of the case including all relevant
13 documents and the recommendations of the Planning and Zoning
14 Board, if applicable. The City Manager shall schedule the
15 proposed special exception application for the next available
16 City Commission meeting providing the required notice
17 procedures are met.

18
19 (1) *Public hearing.* The City Commission shall hold one
20 public hearing on the proposed special exception.

21
22 (2) *Action by City Commission.* In considering a special
23 exception request, the City Commission shall review the
24 proposed special exception, based on the general purpose and
25 standards of review set forth in this section, the report of
26 the administration and recommendation(s) of the Planning and
27 Zoning Board, and any oral and written comments received before
28 or at the public hearing. Based upon the record developed at
29 the public hearings, the City Commission may:

30 (a) Adopt the proposed special exception by resolution, with
31 or without conditions;

32 (b) Deny the proposed special exception by resolution; or

33 (c) Refer the matter to the Planning and Zoning Board or
34 administration for further consideration.

35
36 (G) *Conditions.* The City Commission may attach such
37 conditions to the approval as it deems necessary to ensure the
38 proposed use conforms to the standards set forth in section 31-
39 54(C) general standards of review and to prevent or minimize
40 adverse effects on other property in the neighborhood,
41 including, but not limited to: architectural design guidelines;
42 limitations on size, bulk and location; duration of
43 construction period; requirements for landscaping, signage,
44 outdoor lighting, and the provision or limitation of ingress
45 and egress; duration of the approval; hours of operation; and
46 the mitigation of environmental impacts.

1
2 (H) Effect of approval or denial.
3

4 (1) Eligibility to apply for building permit, etc. Approval of
5 the application for special exception by the City Commission
6 authorizes the applicant to proceed with any necessary
7 applications for final site plan approval, building permits,
8 certificates of level of service, and other permits, which the
9 City may require for the proposed development. No permit shall
10 be issued for work, which does not comply with the terms of the
11 special exception approval.
12

13 (2) Expiration of special exception approval. Unless otherwise
14 provided in the approval, the approval of a special exception
15 application shall be void if a building permit or engineering
16 permit has not been issued for the proposed development within
17 twelve (12) months after the date of the special exception
18 approval. An applicant who has obtained special exception
19 approval may request an extension of this time period by
20 submitting within the twelve (12)-month period a letter stating
21 the reasons for the request. The City Commission may, at a
22 regular meeting, grant an extension of up to twelve (12)
23 months, per Chapter 31 Section 31-38(c) of the Code of
24 Ordinances.
25

26 (3) Rescission of approval by abandonment of use. Any
27 discontinuation of an approved special exception for a period
28 of 180 consecutive days shall constitute abandonment and shall
29 rescind the approval of the special exception. The abandonment
30 period shall be presumed to have commenced upon the termination
31 of electrical or water service for the user, whichever occurs
32 first.
33

34 (I) Amendments and alterations to approved special exceptions.
35

36 (1) Except as provided under section 31-54(I)(2), any
37 expansion to an approved special exception and any addition to
38 or expansion of an existing special exception shall require the
39 same application, review and approval as required under this
40 section for the original approval of the special exception.
41

42 (2) Minor changes in the site plan or design details of an
43 approved special exception which are consistent with the
44 standards and conditions applying to the special exception and
45 which do not result in additional external impacts, such as a
46 minor shift in the location of a building or structure, the

1 realignment of parking spaces and aisles, the relocation of a
2 driveway, etc. may be approved by the DRC administratively
3 without obtaining additional approvals. No increase in the
4 intensity or change in use shall be considered a minor change
5 for the purposes of this section.
6

7 **Sec. 31-55 - Public Notice**
8

9 (A) Mailings. When an application for special exception,
10 conditional use, variance, administrative appeal, plat or
11 plat amendment, rezoning, telecommunications site
12 development, or Land Use Map Amendment is filed with the
13 City, the applicant shall be responsible for mailing public
14 notice to the owners of all real property lying within five-
15 hundred (500) feet of the subject property for which said
16 application was filed.
17

18 (1) Content. The mailed notification shall state "PUBLIC
19 HEARING NOTIFICATION" in bold print at the top of the notice
20 and include the following information:
21

22 (a) The applicant's name.
23

24 (b) The address of the subject property of the
25 application.
26

27 (c) The type of application that was filed with the
28 City.
29

30 (d) A description of the proposed project, including
31 the proposed use, hours of operations, acreage of
32 parcel, square footage of structure(s), and/or number
33 and type of residential units.
34

35 (e) The name of the board(s) to hear the application.
36

37 (f) The scheduled date(s) and time(s) of hearing(s).
38

39 (g) The address of where the hearing(s) is/are to take
40 place.

1
2 (h) Municipal contact information for the department
3 processing the application, to include the department
4 name, phone number and address.
5

6 (2) Procedure. Within seven (7) days of receiving an
7 application, as described in 31-55(A), the City shall furnish
8 the applicant with a list of all real property owners within
9 a five-hundred (500) foot radius of the subject property of
10 said application. Ownership of surrounding real property
11 shall be determined by the most recent tax records available
12 from the Broward County Property Appraiser. The applicant
13 shall send public notice described above via United States
14 Postal Service mail to each required real property owner at
15 least fourteen (14) days prior to the scheduled hearing(s).
16

17 (a) For applications that require sequential reviews by
18 multiple boards of the City, the notice shall include
19 the scheduled dates, times, board names, and locations
20 for all required hearings.
21

22 (1) In the event an application is tabled at a
23 properly noticed hearing, no further mailings shall
24 be required for the application to appear before
25 that particular body that tabled the application.
26 However, if the tabling action causes hearings by
27 other boards of the City in a sequential review of
28 an application to be rescheduled to dates other
29 than those provided in the mailed public notice,
30 then the applicant shall mail a revised notice as
31 provided in this Section at least fourteen (14)
32 days prior to the rescheduled hearing(s).
33

34 (2) In the event that an application is delayed
35 between hearings of a sequential review for any
36 reason other than being tabled, as described above,
37 then the applicant shall mail a revised notice as
38 provided in this Section at least fourteen (14)
39 days prior to the rescheduled hearing.
40

41 (3) In the event that an applicant appeals a board
42 decision to a higher body of the City, or that the
43 City Commission refers a special exception

1 application back to the Planning and Zoning Board
2 as described in Section 31-54(F)(2)(c), the
3 applicant shall mail a revised notice as provided
4 in this Section at least fourteen (14) days prior
5 to the rescheduled hearing.

6
7 (b) Upon mailing the required public notice, the
8 applicant shall submit proof of said mailing to include
9 a sample letter, postage receipt, and a sworn affidavit
10 affirming that the public notice requirements of this
11 section have been executed as described in this Section.
12 Said proof of mailing shall be provided to the City at
13 least ten (10) days prior to the first scheduled
14 hearing.

15
16 (c) In the event that the applicant fails to satisfy
17 all of the requirements of this Section, the application
18 shall not be scheduled for the Planning and Zoning
19 Board, Board of Adjustment, or City Commission, until
20 the above requirements have been met.

21
22 (B) Signs. When an application for special exception, conditional
23 use, variance, administrative appeal, plat or plat amendment,
24 rezoning, or Land Use Map Amendment is filed with the City,
25 the applicant shall be responsible for posting public hearing
26 notice on the subject property of the application at least
27 fourteen (14) days prior to the scheduled public hearing.

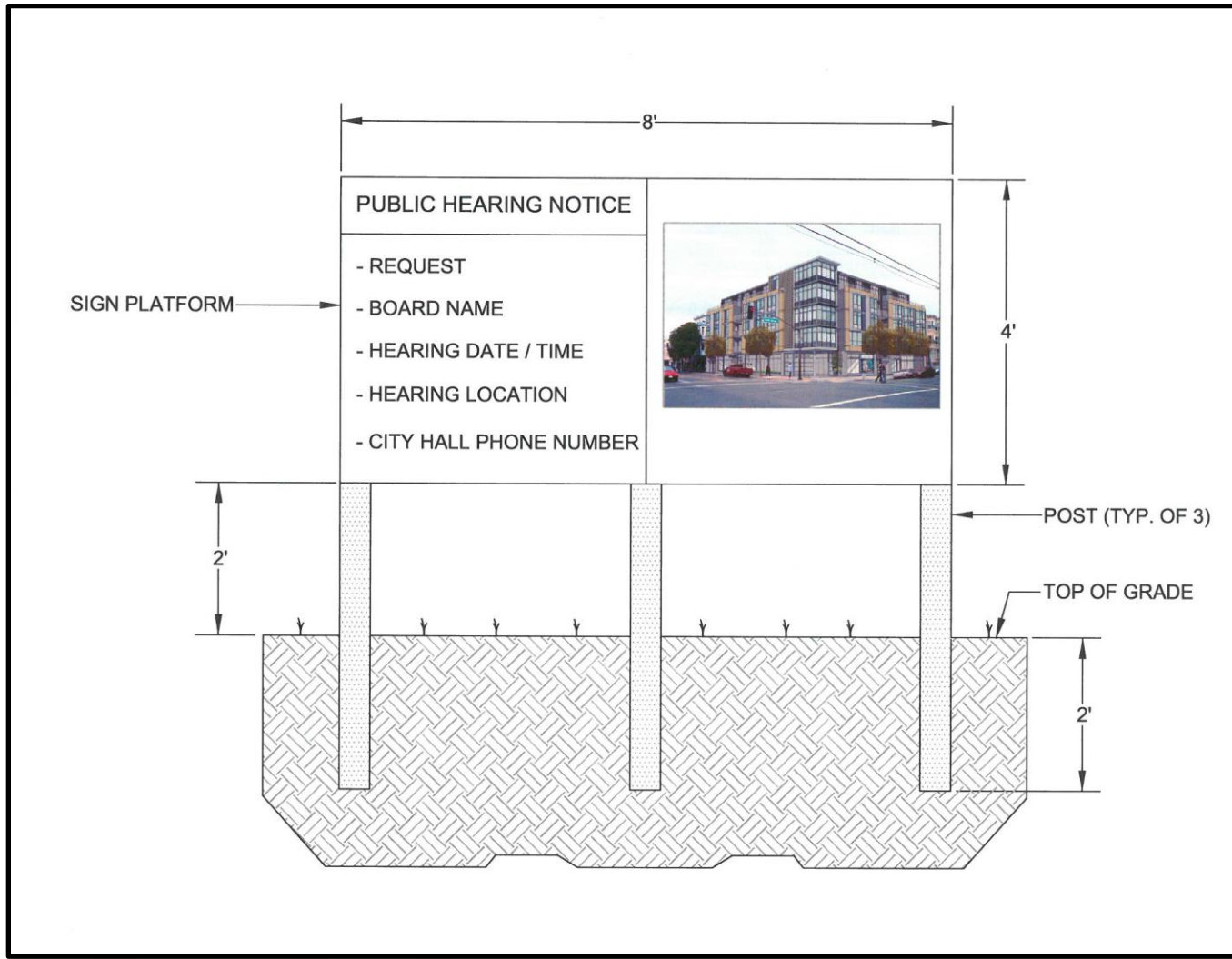
28
29 (1) New construction. Applications consisting of
30 development, redevelopment, major renovation of an existing
31 structure, façade change, change of use, special exception,
32 conditional use, or any other new construction of a building
33 or structure other than that on an individual single family
34 home shall post signs meeting the following criteria:

35
36 (a) Freestanding, single-faced sign, posted to a height
37 of six (6) feet above grade.

38
39 (b) The sign face shall be thirty-two (32) square feet
40 in area, such that it is eight (8) feet wide by four (4)
41 feet high.

42
43 (c) The sign face shall be laterally divided into two
44 symmetrical sides. The right side of the sign shall

display a colored rendering of the proposed project.
The left side shall provide the information described in
Section 31-55(B) (3) (a), below.

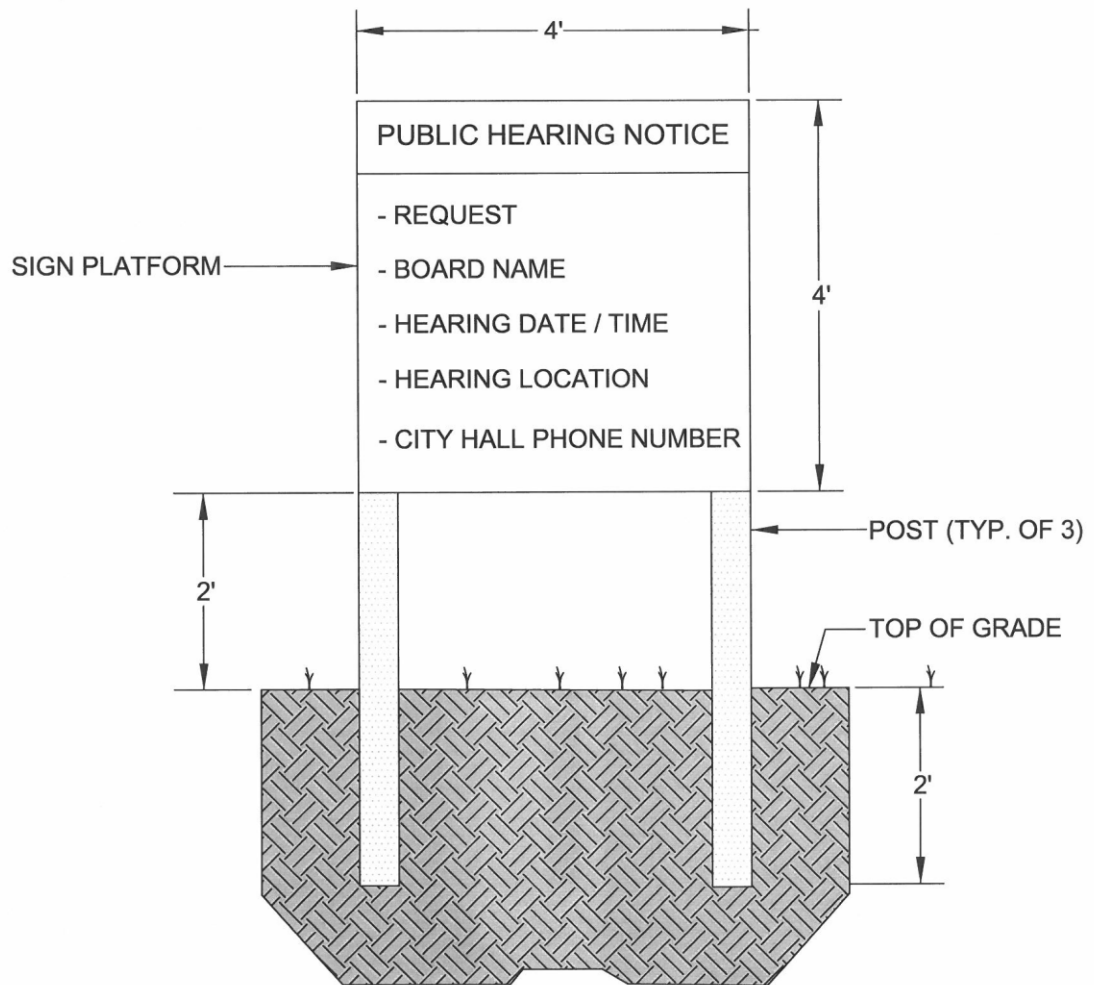


(2) *Existing structures.* Applications consisting of a
variance, administrative appeal, plat or plat amendment,
rezoning, Land Use Map Amendment, or minor modification to an
existing structure shall post signs meeting the following
criteria:

(a) Freestanding, single-faced sign, posted to a height
of six (6) feet above grade.

(b) The sign face shall be at least sixteen (16) square feet, such it that is at least four (4) feet wide by four (4) feet high.

(c) The sign(s) shall provide the information described in Section 31-55(B) (3) (a), below.



(3) *Criteria.* The posted notification shall satisfy the following criteria:

(a) *Content.* The sign face shall state "PUBLIC HEARING NOTIFICATION" in bold print at the top of the notice in not less than six (6) inch type and include the following information in line item bullet format:

1
2 (i) The type of hearing request, and brief
3 description of the application, for example,
4 "SPECIAL EXCEPTION FOR GASOLINE STATION."

5
6 (ii) The board scheduled to hear the application,
7 for example, "MARGATE BOARD OF ADJUSTMENT."

8
9 (iii) The hearing date and time.

10
11 (iv) The hearing location.

12
13 (v) The phone number for City Hall.

14
15 (b) *Posting.* Public hearing signs shall be posted in
16 the following manner:

17
18 (i) One (1) public hearing sign shall be posted by
19 the applicant facing each adjacent public right-of-
20 way of the subject property. If the subject
21 property does not have an adjacent right-of-way,
22 the sign(s) shall be installed on the subject
23 property in a manner to provide the highest level
24 of visibility to the public, as determined by city
25 staff. Signs must be posted on the subject
26 property, setback five (5) feet. The intent of
27 this Section is to provide highly visible notice to
28 the public, as such, if visual obstructions exist
29 on the subject property such as landscaping or man-
30 made structure(s), the height and setback may be
31 adjusted to provide the best visibility possible,
32 as determined by city staff.

33
34 (ii) The sign face shall be white, with black
35 lettering, using a minimum of six (6) inch tall
36 type.

37
38 (iii) In the event that an application is tabled, or
39 where sequential hearings are required, the
40 petitioner shall update the sign(s) within seventy-
41 two (72) hours of the most recent hearing date.

The sign must be updated at least fourteen (14) days prior to the next scheduled hearing in order to be heard.

(c) Bond. Petitioner shall execute a public hearing sign bond agreement with the City acknowledging that the above sign(s) shall be removed within two (2) business days following a final determination on the matter. If said sign(s) is/are not removed in two (2) business days, the petitioner, on behalf of the owners of the property, authorize the administration of the City of Margate to remove said sign(s), forfeiting the bond fee.

SECTION 2: 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:

(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 Chapter 31 Section 31-54 sections 22.9 through 22.12 of this Code.

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

SECTION 3: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXII Community Business B-2 District, Section 22.9 Site plan required for new construction for a special exception use is hereby deleted in its entirety:

~~Section 22.9. - Site plan required for new construction for a special exception use.~~

~~(1) Requirements. Prior to the issuance of a development permit for a special exception use, a site development plan shall be approved by a resolution of the city commission. The city~~

1 ~~commission shall consider and determine all applications for~~
2 ~~site plan approval for new construction as provided for in the~~
3 ~~following sections.~~

4 ~~(2) Information required. The site plan submitted shall contain~~
5 ~~all relevant information necessary for review, to include, but~~
6 ~~not be limited to, the following:~~

7 ~~(a) A survey meeting the technical standards of the Florida~~
8 ~~Department of Professional Regulation, Board of Land~~
9 ~~Surveyors.~~

10 ~~(b) An accurate tree location plan, superimposed over the~~
11 ~~basic site plan, showing the species and size of all trees of~~
12 ~~three (3) inches or greater caliper, d.b.h.~~

13 ~~(c) Site data, including floor areas, aggregate building~~
14 ~~coverage, green space, vehicular use areas, retention areas~~
15 ~~and parking ratio.~~

16 ~~(d) Each site plan presented herewith shall be drawn to a~~
17 ~~scale of no less than one (1) inch equals fifty (50) feet,~~
18 ~~and shall include the complete dimensioning and location of:~~

19 ~~1. Plot lines.~~

20 ~~2. Existing and proposed buildings and all other~~
21 ~~proposed improvements.~~

22 ~~3. Off-street parking, curbing, wheel stops and interior~~
23 ~~landscape area.~~

24 ~~4. Street paving, drainage structures, sidewalks,~~
25 ~~driveways, intersections, medians, existing and proposed~~
26 ~~deceleration and turning lanes.~~

27 ~~5. Setbacks.~~

28 ~~6. Floor plans, and exterior sales, storage or service~~
29 ~~areas.~~

30 ~~7. Internal walks and pedestrian ways.~~

31 ~~8. Typical building exterior elevation view.~~

32 ~~9. Signs and exterior lighting.~~

33 ~~10. Water mains and fire hydrants; sewer laterals.~~

34 ~~11. Buffering and fencing or decorative masonry walls.~~

35 ~~12. Solid waste disposal containers and enclosures.~~

36 ~~13. Proposed finished floor and pavement elevations.~~

37 ~~14. Landscaping plan.~~

38 ~~15. Any other architectural, engineering or other data~~
39 ~~as may be required to permit the necessary findings.~~

40 ~~(3) Pre application. Before consideration by the city~~
41 ~~commission, all site plans shall be reviewed by the development~~
42 ~~review committee. The committee shall file a report to the city~~
43 ~~commission evaluating the compliance of the site plan with the~~
44 ~~requirements of chapter [sections] 31-31 through 31-37 of the~~

1 City Code and these district regulations. An application shall
2 not be placed on the commission agenda unless the site plan is
3 complete and all pertinent technical information is available.

4 ~~(4) City commission review.~~ Following the conclusion of the
5 above listed procedure and after review of the report prepared
6 by the development review committee, the site plan shall be
7 placed before the commission for final action in the form of a
8 resolution. When considering a site plan, the city commission
9 shall make one (1) of the following determinations:

10 ~~(a) Approval.~~ That, based upon a review of the criteria
11 enumerated in ~~section 22.10~~, the proposal will not adversely
12 affect the health, safety or welfare of the city; that it
13 will not adversely affect the existing or resulting
14 utilization of legally permitted uses on neighboring
15 properties; and that it will be in harmony with the general
16 purpose and interest of the ordinances of the city.

17 ~~(b) Approval with conditions and safeguards.~~ That, based upon
18 a review of the criteria enumerated in ~~section 22.10~~, the
19 approval of the proposal with such additional conditions and
20 safeguards as are deemed necessary by the city commission
21 will not adversely affect the health, safety or welfare of
22 the city; that it will not adversely affect the existing or
23 resulting utilization of legally permitted uses on
24 neighboring properties; and that it will be in harmony with
25 the general purpose and interest of the ordinances of the
26 city.

27 ~~(c) Denial.~~ That, based upon a review of the criteria
28 enumerated in ~~section 22.10~~, the approval of the proposal
29 will adversely affect the health, safety or welfare of the
30 city; that it will adversely affect the existing or resulting
31 utilization of legally permitted uses on neighboring
32 properties, and/or that it will not be in harmony with the
33 general purpose and interest of the ordinances of the city.

34
35 **SECTION 4:** The Code of the City of Margate,
36 Florida, Appendix A Zoning, Article XXII Community Business
37 B-2 District, Section 22.10 Review criteria for new
38 construction for a special exception use is hereby deleted in
39 its entirety:

40 ~~Section 22.10. - Review criteria for new construction for~~
41 ~~a special exception use.~~

42 In granting or denying a request for a special exception use
43 approval pursuant to the procedure specified in ~~section 22.9~~,
44 the city commission shall consider the following:

~~(a) Compatibility of the use and site plan elements with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.~~

~~(b) Substantial detrimental effects of the proposal on property values in the neighborhood.~~

~~(c) Substantial detrimental effects of the use on living or working conditions in the neighborhood.~~

~~(d) Ingress and egress to the development and proposed structures, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and refuse collection, and access in the case of fire, catastrophe or emergency.~~

~~(e) Off-street parking location, and relationship to buildings and internal traffic patterns with particular reference to automotive and pedestrian traffic safety, traffic flow and control, access in case of fire or emergencies, and screening and buffering.~~

~~(f) Orientation, location, size and feature of city buildings and the appearance and harmony of the buildings with nearby development and land uses.~~

~~(g) Sufficiency of setbacks, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of site-generated noise, lights, fumes and other nuisances.~~

~~(h) Adequacy of stormwater management with attention to the necessity for onsite retention to alleviate flooding and groundwater pollution without compromising the aesthetics and maintainability of landscaping.~~

~~(i) Adequacy of landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of required landscaping along street perimeters.~~

~~(j) Compliance with the applicable goals, objectives and policies of the Margate Comprehensive Plan.~~

~~(k) Compliance with the goals, objectives and policies of the Margate Community Redevelopment Plan.~~

SECTION 5: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXII Community Business B-2 District, Section 22.11 Site data required for existing buildings for a special exception use is hereby deleted in its entirety:

~~Section 22.11. - Site data required for existing buildings for a special exception use.~~

1 ~~(1) Requirement. Prior to the issuance of a permit for a~~
2 ~~special exception use, a site shall be approved by a resolution~~
3 ~~of the city commission. The city commission shall consider and~~
4 ~~determine all applications for site plan approval for existing~~
5 ~~buildings as provided for in the following sections.~~

6 ~~(2) Information required. A survey meeting the technical~~
7 ~~requirements of the Florida Department of Professional~~
8 ~~Regulation, Board of Land Surveyors, shall contain all relevant~~
9 ~~information necessary for review, to include, but not be~~
10 ~~limited to, the following:~~

11 ~~(a) Site data, including existing and proposed floor areas,~~
12 ~~aggregate building coverage, green space and vehicular use~~
13 ~~areas.~~

14 ~~(b) Existing and proposed off-street parking, curbing, wheel~~
15 ~~stops and interior landscape area.~~

16 ~~(c) Existing and proposed street paving, drainage structures,~~
17 ~~sidewalks and driveways.~~

18 ~~(d) Existing and proposed landscaping plan.~~

19 ~~(e) Any other architectural, engineering or other data as may~~
20 ~~be required to permit the necessary findings.~~

21
22 **SECTION 6:** The Code of the City of Margate,
23 Florida, Appendix A Zoning, Article XXII Community Business
24 B-2 District, Section 22.12 Review criteria for existing
25 buildings for a special exception use is hereby deleted in
26 its entirety:

27 ~~**Section 22.12. - Review criteria for existing buildings**~~
28 ~~**for a special exception use.**~~

29 ~~The review criteria for the site for existing buildings shall~~
30 ~~be the same as provided for in [section 22.10](#).~~

31 **SECTION 7:** The Code of the City of Margate,
32 Florida, Appendix A Zoning, Article XXII Community Business
33 B-2 District, Section 22.13 Promotional event review criteria
34 is hereby deleted in its entirety:

35
36 ~~**Section 22.13. - Promotional event review criteria.**~~

37 ~~(1) In granting or denying approval for a promotional event~~
38 ~~as set forth in [Section 22.3](#) (B) (1) (h), the applicant must~~
39 ~~submit the following to the development review committee:~~
40

- ~~(a) A site plan showing the exact location of where the event is to take place.~~
- ~~(b) A detailed description of the event.~~
- ~~(c) A schedule of the exact dates and times of the event.~~
- ~~(d) A letter of approval from the property owner.~~
- ~~(e) Proof of insurance.~~
- ~~(f) Documentation that the City of Margate Police Department has been contacted to provide assistance and that payment has been rendered.~~

~~(2) In granting or denying approval for a promotional event as set forth in section 22.3 (B) (1) (h), the development review committee shall consider the following:~~

- ~~(a) That the proposed event is compatible with the existing use of the property and with the surrounding properties.~~
- ~~(b) That the proposed event does not create a safety hazard for persons and/or property in the surrounding area.~~
- ~~(c) That the amount of parking demands created by the event being considered, especially with regard to the adverse impact on adjacent residential areas, is adequate, and that the location being considered meets the criteria for current parking.~~
- ~~(d) That the proposed event does not adversely affect traffic conditions so as to create a nuisance.~~
- ~~(e) That all ingress and egress areas are kept open for the free flow of traffic circulation. Barricades may be required for safety purposes.~~
- ~~(f) That traffic created by the proposed event does not directly affect or interfere with the flow of traffic in the surrounding residential areas. Furthermore, no such event may take place within one hundred (100) feet of any residentially zoned property. This distance shall be measured from the limits of the proposed event to the residential property line.~~
- ~~(g) That any signage used for the proposed event is in conformance with Article XXXIX of the City Code [this appendix].~~
- ~~(h) That additional conditions may be imposed upon the petitioner as deemed necessary by the development review committee.~~

SECTION 8: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXI Neighborhood Business B-

1 District, Section 21.3 Permitted uses is hereby amended to read as follows:

(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. The commission shall consider all applications for a special exception approval pursuant to the procedure and criteria set forth in ~~sections 23.9 and 23.10 for new construction and in sections 23.11 and 23.12 for uses at existing buildings~~ Chapter 31 Section 31-54 of the Margate Code of Ordinances.

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

SECTION 9: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXIII Liberal Business B-3 District, Section 23.3 Permitted uses is hereby amended to read as follows:

(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~~ Chapter 31 Section 31-54 of the Margate Code of Ordinances.

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

SECTION 10: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXIV Light Industrial M-1 District, Section 24.3 Permitted uses is hereby amended to read as follows:

1
2 (B) *Special exception uses.* Special exception uses may be
3 deemed appropriate to provide a complete distribution of uses
4 within the city, but because of their operational
5 characteristics or area requirements need to be given
6 individual consideration with respect to their location, access
7 and relationship to adjacent properties and public rights-of-
8 way, and conformity with the city's current and future
9 redevelopment efforts.

10
11 (1) The following uses are authorized upon a finding by the
12 city commission that a special exception to the article is
13 warranted, pursuant to the procedure and criteria set forth in
14 sections 22.9 through 22.12 of this Code Chapter 31 Section 31-
15 54 of the Margate Code of Ordinances.
16

17 . . .
18 [Note to Municipal Code: The rest of this section shall
19 remain as codified.]

20
21 **SECTION 11:** The Code of the City of
22 Margate, Florida, Appendix A Zoning, Article XXV Industrial Park
23 M-1A District, is hereby amended to read as follows:

24 **Section 25.3. - Permitted uses.**

25 No building or structure, or any part thereof, shall be
26 erected, altered or used, or land or water used, in whole or in
27 part, for other than one (1) or more of the following uses:

28 . . .
29 (C) *Special exception uses.* The following uses are authorized
30 upon a finding by the City Commission that a special exception
31 use to this article is warranted:

32
33 (1) Children's activity center as an accessory use only.
34 For the purposes of this section, "children's activity
35 center" is defined as any establishment containing modular
36 retail play/soft play structures, indoor playgrounds,
37 children's party rooms or food services. Retail play/soft
38 play areas of children's activity centers may also contain
39 up to ten (10) coin-operated machines designed
40 specifically for children, ages twelve (12) and under.

1 Access to retail play/soft play areas of children's
2 activity centers (including areas containing permitted
3 coin-operated machines) shall be restricted to children,
4 ages twelve (12) and under, and persons accompanying such
5 children for supervisory purposes.
6

7 The city commission shall consider all applications for
8 special exception approval pursuant to the procedure set
9 forth in ~~sections 23.9 and 23.10~~ Chapter 31 Section 31-54
10 of the Margate Code of Ordinances.

11 . . .
12 **[Note to Municipal Code: The rest of this section shall**
13 **remain as codified.]**

14
15 **SECTION 12:** The Code of the City of
16 Margate, Florida, Appendix A Zoning, Article XI Community
17 Facility CF-1 District, Section 11.3 Permitted uses is hereby
18 amended to read as follows:
19
20

21 **Section 11.3. - Permitted uses.**
22 . . .

23
24 (B) Special exception uses. Special exception uses may be
25 deemed appropriate to provide a complete distribution of uses
26 within the city, but because of their operational
27 characteristics or area requirements need to be given
28 individual consideration with respect to their location, access
29 and relationship to adjacent properties and public rights-of-
30 way, and conformity with the city's current and future
31 redevelopment efforts.

32 (1) The following uses are authorized upon a finding by the
33 commission that a special exception to the article is
34 warranted. The commission shall consider all
35 applications for special exception approval pursuant to
36 the procedures and criteria set forth in ~~sections 22.9~~
37 ~~and 22.10~~ for new construction and in ~~sections 22.11 and~~
38 ~~22.12~~ for use of existing buildings or sites Chapter 31
39 Section 31-54 of the Margate Code of Ordinances.

- (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.

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

SECTION 13: The Code of the City of Margate, Florida, Appendix A Zoning, Article VII Transit Oriented Corridor-Corridor (TOC-C) District, Section 7.3 TOC-C Corridor Permitted uses is hereby amended to read as follows:

Section 7.3. - TOC-C Corridor permitted uses.

(B)

Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses with 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 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 3.32 of this Code Chapter 31~~ Section 31-54 of the Margate Code of Ordinances.

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

SECTION 14: The Code of the City of Margate, Florida, Appendix A Zoning, Article VIII Transit Oriented Corridor-Gateway (TOC-G) District, Section 8.4 TOC-G Gateway permitted uses is hereby amended to read as follows:

Section 8.4. - TOC-G Gateway permitted uses.

(B)

Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses with 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 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 Chapter 31~~ Section 31-54 of the Margate Code of Ordinances.

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

SECTION 15: 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.

(B)

Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of commercial uses with 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 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 Chapter 31 Section 31-54 of the Margate Code of Ordinances.

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

SECTION 16: The Code of the City of Margate, Florida, Appendix A Zoning, Article IX Transit Oriented Corridor-City Center (TOC-CC) District, Section 9.8 Limitation on uses is hereby amended to read as follows:

Section 9.8. - Limitation on uses.

1.

All activities or permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building. This prohibition shall not apply to the following:

a.

Drive-through facilities approved as special exception uses, and subject to the criteria contained in Sections 22.9 through 22.12 of this Code Chapter 31 Section 31-54 of the Margate Code of Ordinances.

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

SECTION 17: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXXI Nonconforming Use and Structures, Section 31.7 Discontinuance or abandonment of special exceptions, variances, conditional uses, or waivers is hereby amended to read as follows:

Section 31.7. - Discontinuance or abandonment of special exceptions, variances, conditional uses, or waivers.

(A)

If for any reason a ~~special exception, variance, conditional use,~~ or waiver as to the use of land or any portion thereof does not commence, is not undertaken, ceases, is discontinued, or is abandoned for a period of more one hundred eighty (180) days, the land or portion thereof shall not thereafter be used for said ~~special exception, variance, conditional use,~~ or waiver unless specifically outlined unless the contrary is specifically provided in the ~~special exception, variance, conditional use,~~ or waiver, or unless same has been considered anew and granted, pursuant to the Code of the City of Margate.

(B)

If for any reason a ~~special exception, variance, conditional use,~~ or waiver as to the use of a building or structure or any portion thereof does not commence, is not undertaken, ceases, is discontinued, or is abandoned for a period of more one hundred eighty (180) days, the building or structure or any portion thereof shall not thereafter be used for said ~~special exception, variance, conditional use,~~ or waiver unless specifically outlined unless the contrary is specifically provided in the ~~special exception, variance, conditional use,~~ or unless same has been considered anew and granted, pursuant to the Code of the city.

SECTION 18: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXXVI Arcade Amusement Centers and Devices, Section 36.6 Location or arcade amusement centers is hereby amended to read as follows:

Section 36.3. - Location of arcade amusement centers.

Arcade amusement centers shall be permitted by special exception in the TOC-C, TOC-G, TOC-CC, B-2 and B-3 zoning districts, as provided in the city's Zoning Code pursuant to the procedure and criteria set forth in ~~section 22.9 and 22.10 for new construction, and in sections 22.11 and 22.12 for the use of~~

1 ~~existing buildings or sites~~ Chapter 31 Section 31-54 of the
2 Margate Code of Ordinances, with the following exceptions:

3 (1)

4 Arcade amusement centers shall not be permitted within one
5 thousand (1,000) feet of another similar establishment, nor
6 in any case within the same plaza, shopping center, mall,
7 or other facility as another similar establishment.

8 (2)

9 The distance shall be measured from the main entrance or
10 front door of one amusement arcade center to the main
11 entrance or front door of the other similar establishment.

12
13 **SECTION 19:** The Code of the City of Margate,
14 Florida, Chapter 2, Administration, Article IV Boards,
15 Committees, Etc. Division 2. Board of Adjustment, Section 2-78
16 Powers and duties is hereby amended to read as follows:
17

18 **Sec. 2-78. - Powers and duties.**

19 (a)

20 The board shall have the following powers:

21 (1)

22 To hear and determine appeals where it is alleged there is
23 error in any order, requirement, decision or determination
24 made by an administrative official in the enforcement of
25 the zoning regulations of the city.

26 ~~(2)~~

27 ~~To hear and grant or deny special exceptions to the terms~~
28 ~~of any zoning ordinance upon which the board is required to~~
29 ~~pass under such ordinance.~~

30 ~~(23)~~

31 To hear and grant or deny such variances from the terms of
32 any zoning ordinances of the city. ~~, except those as to the~~
33 ~~number and allocation of liquor licenses by district and~~
34 ~~category.~~ To hear or deny such variances from the Code of
35 the city as will not be contrary to the public interest or
36 the general purposes sought to be accomplished by the
37 zoning ordinances and where, owing to special conditions, a
38 literal enforcement of the provisions of the zoning
39 ordinances will result in unnecessary hardship in the use
40 of the property involved.

41 ~~(4)~~

42 ~~To hear and grant or deny special exceptions to the terms~~
43 ~~of zoning ordinances of the city such action as will not be~~

~~contrary to the public interests and/or where, owing to special conditions, a literal and exact enforcement of the provisions of zoning regulations will result in unnecessary hardship to the applicant.~~

(b)

In exercising said powers and duties, they shall not grant a variance unless:

(1)

It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.

(2)

The board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances.

~~(3)~~

~~The board shall find that the granting of a special exception to the terms of a zoning ordinance will not be contrary to the public interest.~~

(34)

In granting any variance, the board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.

(c)

The board shall not have jurisdiction to consider any variance allowing any use of buildings or lands not permitted within any designated zoning classification.

(d)

The board shall not have jurisdiction to consider any variance of distance requirements for liquor licenses from freestanding Broward County public schools and approved charter schools, pursuant to [Appendix A,] [section 3.22](#) (VIII) (A).

SECTION 19: The Code of the City of Margate, Florida, Chapter 2, Administration, Article IV Boards, Committees, Etc. Division 2. Board of Adjustment, Section 2-79 Applications for variances and other appeals is hereby amended to read as follows:

Sec. 2-79. - Applications for variances and other appeals; fees.

1 Applications to the board of adjustment for variance or other
2 appeals shall be filed with the ~~city clerk~~ Economic Development
3 Department on forms furnished by that ~~office~~ department. The
4 application or appeal shall be accompanied by the following fee:

5 (1)

6 For variances, ~~special exceptions, nonconforming use permit~~
7 ~~hearings,~~ and appeals of the zoning administrator's
8 decisions, etc.: Two hundred dollars (\$200.00).

9 (2)

10 For appeals from the board of adjustment to the city
11 commission: ~~Cost of certified postage.~~ The fee called for
12 in the appropriate case shall accompany the application or
13 notice of appeal, and if the fees are paid in the form of a
14 check, the check shall be made payable to the City of
15 Margate. Said sums shall be immediately forwarded to the
16 finance director to be placed in the appropriate account.
17 Failure to file such sums as costs shall render the
18 applicant's request or appeal void.

19
20 **SECTION 20:** The Code of the City of Margate,
21 Florida, Chapter 2, Administration, Article IV Boards,
22 Committees, Etc. Division 2. Board of Adjustment, Section 2-80
23 Proceedings on applications for variances or other appeals is
24 hereby amended to read as follows:
25

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

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

32 (a)

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

43 (b)

1 In the event the appeal or application is filed for the
2 purpose of seeking a variance ~~or special exception~~ to the
3 terms of any zoning ordinance, all public notice
4 requirements of Section 31-55 ~~a sign meeting all of the~~
5 ~~requirements as contained in subsection 39.4(d) of appendix~~
6 ~~A of the City Code~~ shall be posted and said code provision
7 complied with.

8 (c)

9 Where an appeal or application is filed for the purpose of
10 seeking a variance ~~or special exception~~, and in addition to
11 the foregoing, the date and time of the hearing shall be
12 published at least ten (10) days prior to such hearing in a
13 daily newspaper of general circulation in the municipality.

14 (d)

15 Reserved.

16
17 **SECTION 21:** The Code of the City of Margate,
18 Florida, Chapter 2, Administration, Article IV Boards,
19 Committees, Etc. Division 2. Board of Adjustment, Section 2-81
20 Decisions of the board is hereby amended to read as follows:
21

22 **Sec. 2-81. - Decisions of the board.**

23 (a)

24 The concurring vote of a majority of the members of the board
25 present shall be necessary to reverse any order, requirement,
26 decision or determination of any officer or official upon
27 zoning matters, or to grant a variance ~~or special exception~~ to
28 the provisions of an existing zoning regulation.

29 (b)

30 Orders and decisions of the board shall be in writing, one (1)
31 copy of which shall be kept by the board, one (1) copy shall
32 be forwarded to the city clerk and shall become a public
33 record, and one (1) copy shall be given to the applicant or
34 appellant.

35 (c)

36 A decision of the board wherein a variance ~~or special~~
37 ~~exception~~ to a zoning regulation is granted or denied, or a
38 ruling of the administrative official charged with the
39 enforcement of the zoning regulations is confirmed or
40 overruled, ~~or a temporary permit for a nonconforming use is~~
41 ~~granted or denied~~ shall be final and binding unless an appeal
42 is taken to the city commission.

43 Any aggrieved person or entity may appeal a variance, ~~special~~
44 ~~exception~~, or appeal of a ruling of an administrative official if

1 a request for an appeal ~~shall~~ ^{is} be made with the city clerk's
2 office within seven (7) days after the written decision of the
3 board of adjustment is transmitted to the city clerk. After action
4 of the city commission, the decision of the board of adjustment
5 shall be deemed either confirmed or, depending on the motion,
6 reversed. The affirmative vote of three (3) members of the city
7 commission shall be necessary in order to reverse the
8 recommendation of the board of adjustment.

9 No person or entity aggrieved by the grant or denial of any
10 variance, ~~special exception~~, appeal of the ruling of any
11 administrative official, or any other quasi-judicial determination
12 made by the board of adjustment may apply to the court for relief
13 unless he/she has first exhausted the remedies provided for herein
14 and taken all available steps provided for in this section.

15
16 **SECTION 22:** The Code of the City of
17 Margate, Florida, Chapter 11, Drainage and Waterway Structures,
18 Section 11-10 is hereby amended to read as follows:
19

20 **Sec. 11-10. - Reserved ~~Special exemptions; application; deposit;~~**
21 **hearing.**

22 All requests for special exceptions as will not be contrary to
23 the public interests, where, owing to special conditions, a
24 literal and exact enforcement of the provisions of this chapter
25 will result in unnecessary hardship to the applicant, shall be
26 filed with the city engineer. A filing fee of one hundred dollars
27 (\$100.00) shall accompany the application for special exceptions
28 to defray all advertising and engineering costs in the
29 consideration of the application. The applicant shall furnish all
30 engineering data as required in section 11-4 above to substantiate
31 his request for special exception. Any moneys not used by the city
32 engineer shall be refunded to the applicant. A public hearing
33 shall be held by the city engineer not more than twenty (20) days
34 after receipt of request for special exception who shall give due
35 consideration to discussion by keeping a complete record of
36 discussions at the public hearing. The city engineer shall,
37 without undue delay, submit his report of the public hearing
38 together with his recommendations to the city council for action.
39 The city council shall determine, by resolution, any special
40 exceptions to the terms of this chapter.

41
42 **SECTION 23:** The Code of the City of Margate,

Florida, Appendix A Zoning, Article XXXIX Sign Code, Section
39.4 Required signs is hereby amended to read as follows:

. . .

(D) (1) ~~A public hearing sign shall be posted by the petitioner when petitions are made for quasi-judicial land use determinations or amendments to the future land use map of the Margate Comprehensive Plan regarding specific parcels. (This shall include any administrative appeals to the city commission notwithstanding the fact that the petitioner is not the person or entity appealing.) Signs shall be single-faced, four-foot by four-foot (4 x 4) sign(s), with black lettering on a white background. The sign shall be installed on the property proposed for the public hearing seven (7) days prior to the public hearing and shall contain the following language: "A public hearing concerning the (petition to be heard) of this property will be held by the (insert name of board or commission as appropriate) of the City of Margate at (time, place and date). Call (954) 972-6454 for further information."~~

Public Hearing Signs. All public hearing items heard by any board, committee or City Commission of the City of Margate shall post a public hearing sign as required by Section 31-55(B) of this Code.

~~(2) The petition category, date of hearing and information number shall be displayed in bold font a minimum of six (6) inches in height. Signs shall be posted on the property proposed for the hearing facing all road frontages, set back five (5) feet from the property line, and top of sign shall be six (6) feet above grade. The petitioner shall submit a dated photograph of all signs to the economic development department.~~

~~(3) Petitioner shall execute a public hearing sign bond agreement acknowledging that the above sign shall be removed within two (2) business days following a final determination on the matter, or if said sign is not removed in two (2) days, that the petitioner, on behalf of the owners of the property, authorize the administration of the City of Margate to remove said sign, and forfeiting the bond fee.~~

1 ~~(4) In the event that a hearing as provided for in this~~
2 ~~section is continued, then petitioner is required within~~
3 ~~seventy-two (72) hours of the order of continuance to~~
4 ~~either:~~

5 ~~(a)~~

6 ~~Post a new sign, as provided for in this section, at~~
7 ~~a time designated by the tabling body; or~~

8 ~~(b)~~

9 ~~Amend time, place and date on the existing sign(s)~~
10 ~~such that it evidences the meeting as provided for~~
11 ~~by the order of continuance as determined by the~~
12 ~~tabling body.~~

13 ~~All zoning map amendments, special exception uses, variances,~~
14 ~~waivers, or other matters that require public hearings, pursuant~~
15 ~~to the provisions of this section, shall be denied automatically~~
16 ~~unless all portions of this section have been complied with, prior~~
17 ~~to the public hearing. (A denial based upon the proceeding shall~~
18 ~~not prejudice an applicant to reapply for an approval at a later~~
19 ~~date.)~~

20 . . .
21 **[Note to Municipal Code: The rest of this section shall**
22 **remain as codified.]**

23 **SECTION 24:** The Code of the City of Margate, Florida,
24 Appendix A Zoning, Article III General Provisions, Section
25 3.23.4 Minimum standards for development of new towers is
26 hereby amended to read as follows:

27 . . .
28 (h)

29 *Notice of public notification.* Notice of an application for
30 a conditional use permit shall be the same as provided for
31 in Section 31-55 ~~sent via certified mail to all property~~
32 ~~owners within a one-hundred-foot radius of the affected~~
33 ~~property. The applicant shall pay a fee of two hundred~~
34 ~~fifty dollars (\$250.00) as well as the cost of the~~
35 ~~certified mailing.~~

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

SECTION 25: All ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed to the extent of such conflict.

SECTION 26: 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 27: 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 28: 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 _____