

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 follows<sup>1</sup>:

**ARTICLE 6 - QUASI JUDICIAL PROCEEDINGS**

<sup>1</sup>CODING: 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. Included in this summary shall be a needs analysis which considers market conditions, demand for the use, existing similar uses, and proximity of existing similar uses to the location of the proposed use.
- (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 establishment, maintenance or operation of the proposed use shall only be approved if in the best interest of the City. It shall be determined that a

genuine need for the use is present in the City to support and justify the approval of the proposed use, in order to avoid creating an excessive proliferation of said special exception use.

(4) The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood.

(5) 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.

(6) 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.

(7) 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.

(8) 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;

(9) 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.

(10) 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

1 findings and recommendation of the DRC, to the Planning and  
2 Zoning Board and City Manager.

3  
4 (E) Meeting of the Planning and Zoning Board. The  
5 Planning and Zoning Board shall conduct a public hearing in  
6 which they discuss the DRC report and the project proposal,  
7 prior to making a recommendation concerning the project to the  
8 City Commission. If the Planning and Zoning Board determines  
9 that the proposed use is in compliance with general standards  
10 of review, use regulations, and development standards of this  
11 Code, then they shall recommend approval of the special  
12 exception to the City Commission, with or without conditions,  
13 as determined appropriate. If the Planning and Zoning Board  
14 finds that the proposed special exception is not in compliance,  
15 they shall recommend denial of the application. The Planning  
16 and Zoning Board may continue the matter until any additional  
17 information or studies requested have been completed and  
18 offered in testimony.

19  
20 (F) Review by City Commission. The City Commission  
21 shall review all special exception applications. The Director  
22 of Economic Development shall transmit to the City Manager a  
23 copy of the complete application and a written staff report  
24 summarizing the facts of the case including all relevant  
25 documents and the recommendations of the Planning and Zoning  
26 Board, if applicable. The City Manager shall schedule the  
27 proposed special exception application for the next available  
28 City Commission meeting providing the required notice  
29 procedures are met.

30  
31 (1) Public hearing. The City Commission shall hold one  
32 public hearing on the proposed special exception.

33  
34 (2) Action by City Commission. In considering a special  
35 exception request, the City Commission shall review the  
36 proposed special exception, based on the general purpose and  
37 standards of review set forth in this section, the report of  
38 the administration and recommendation(s) of the Planning and  
39 Zoning Board, and any oral and written comments received before  
40 or at the public hearing. Based upon the record developed at  
41 the public hearings, the City Commission may:

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

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

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

1  
2 (G) Conditions. The City Commission may attach such  
3 conditions to the approval as it deems necessary to ensure the  
4 proposed use conforms to the standards set forth in section 31-  
5 54(C) general standards of review and to prevent or minimize  
6 adverse effects on other property in the neighborhood,  
7 including, but not limited to: architectural design guidelines;  
8 limitations on size, bulk and location; duration of  
9 construction period; requirements for landscaping, signage,  
10 outdoor lighting, and the provision or limitation of ingress  
11 and egress; duration of the approval; hours of operation; and  
12 the mitigation of environmental impacts.

13  
14 (H) Effect of approval or denial.

15  
16 (1) Eligibility to apply for building permit, etc. Approval of  
17 the application for special exception by the City Commission  
18 authorizes the applicant to proceed with any necessary  
19 applications for final site plan approval, building permits,  
20 certificates of level of service, and other permits, which the  
21 City may require for the proposed development. No permit shall  
22 be issued for work, which does not comply with the terms of the  
23 special exception approval.

24  
25 (2) Expiration of special exception approval. Unless otherwise  
26 provided in the approval, the approval of a special exception  
27 application shall be void if a building permit or engineering  
28 permit has not been issued for the proposed development within  
29 twelve (12) months after the date of the special exception  
30 approval. An applicant who has obtained special exception  
31 approval may request an extension of this time period by  
32 submitting within the twelve (12)-month period a letter stating  
33 the reasons for the request. The City Commission may, at a  
34 regular meeting, grant an extension of up to twelve (12)  
35 months, per Chapter 31 Section 31-38(c) of the Code of  
36 Ordinances.

37  
38 (3) Rescission of approval by abandonment of use. Any  
39 discontinuation of an approved special exception for a period  
40 of 180 consecutive days shall constitute abandonment and shall  
41 rescind the approval of the special exception. The abandonment  
42 period shall be presumed to have commenced upon the termination  
43 of electrical or water service for the user, whichever occurs  
44 first.

45  
46 (I) Amendments and alterations to approved special exceptions.

1  
2 (1) Except as provided under section 31-54(I)(2), any  
3 expansion to an approved special exception and any addition to  
4 or expansion of an existing special exception shall require the  
5 same application, review and approval as required under this  
6 section for the original approval of the special exception.  
7

8 (2) Minor changes in the site plan or design details of an  
9 approved special exception which are consistent with the  
10 standards and conditions applying to the special exception and  
11 which do not result in additional external impacts, such as a  
12 minor shift in the location of a building or structure, the  
13 realignment of parking spaces and aisles, the relocation of a  
14 driveway, etc. may be approved by the DRC administratively  
15 without obtaining additional approvals. No increase in the  
16 intensity or change in use shall be considered a minor change  
17 for the purposes of this section.  
18

19 **Sec. 31-55 - Public Notice**  
20

21 (A) Mailings. When an application for special exception,  
22 conditional use, variance, administrative appeal, plat or  
23 plat amendment, rezoning, telecommunications site  
24 development, or Land Use Map Amendment is filed with the  
25 City, the applicant shall be responsible for mailing public  
26 notice to the owners of all real property lying within five-  
27 hundred (500) feet of the subject property for which said  
28 application was filed.  
29

30 (1) Content. The mailed notification shall state "PUBLIC  
31 HEARING NOTIFICATION" in bold print at the top of the notice  
32 and include the following information:  
33

34 (a) The applicant's name.  
35

36 (b) The address of the subject property of the  
37 application.  
38

39 (c) The type of application that was filed with the  
40 City.  
41

1       (d) A description of the proposed project, including  
2       the proposed use, hours of operations, acreage of  
3       parcel, square footage of structure(s), and/or number  
4       and type of residential units.

5  
6       (e) The name of the board(s) to hear the application.

7  
8       (f) The scheduled date(s) and time(s) of hearing(s).

9  
10       (g) The address of where the hearing(s) is/are to take  
11       place.

12  
13       (h) Municipal contact information for the department  
14       processing the application, to include the department  
15       name, phone number and address.

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

27  
28       (a) For applications that require sequential reviews by  
29       multiple boards of the City, the notice shall include  
30       the scheduled dates, times, board names, and locations  
31       for all required hearings.

32  
33       (1) In the event an application is tabled at a  
34       properly noticed hearing, no further mailings shall  
35       be required for the application to appear before  
36       that particular body that tabled the application.  
37       However, if the tabling action causes hearings by  
38       other boards of the City in a sequential review of  
39       an application to be rescheduled to dates other  
40       than those provided in the mailed public notice,  
41       then the applicant shall mail a revised notice as



provided in this Section at least fourteen (14) days prior to the rescheduled hearing(s).

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

(3) In the event that an applicant appeals a board decision to a higher body of the City, or that the City Commission refers a special exception application back to the Planning and Zoning Board as described in Section 31-54(F)(2)(c), the applicant shall mail a revised notice as provided in this Section at least fourteen (14) days prior to the rescheduled hearing.

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

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

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

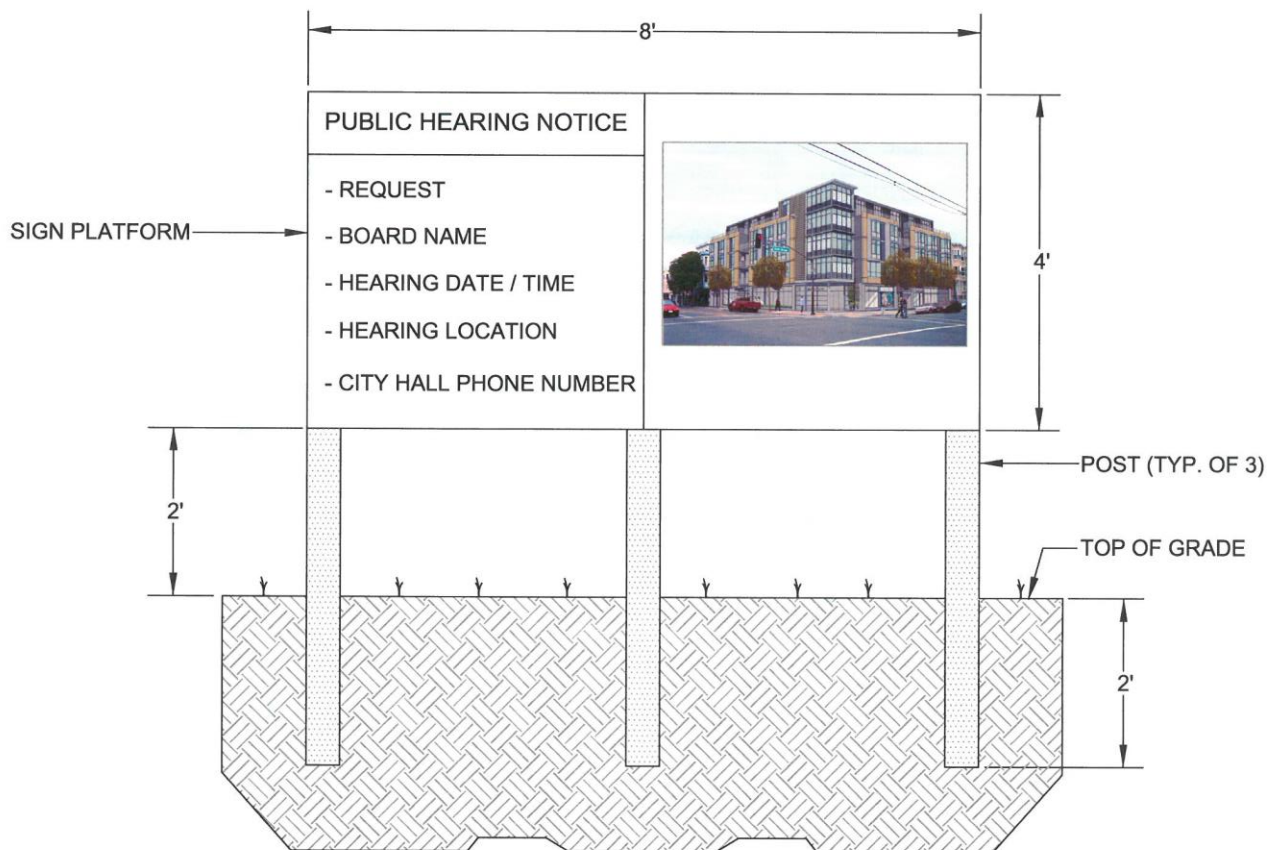
(1) *New construction.* Applications consisting of development, redevelopment, major renovation of an existing

structure, façade change, change of use, special exception, conditional use, or any other new construction of a building or structure other than that on an individual single family home 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 thirty-two (32) square feet in area, such that it is eight (8) feet wide by four (4) feet high.

(c) The sign face shall be laterally divided into two 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.

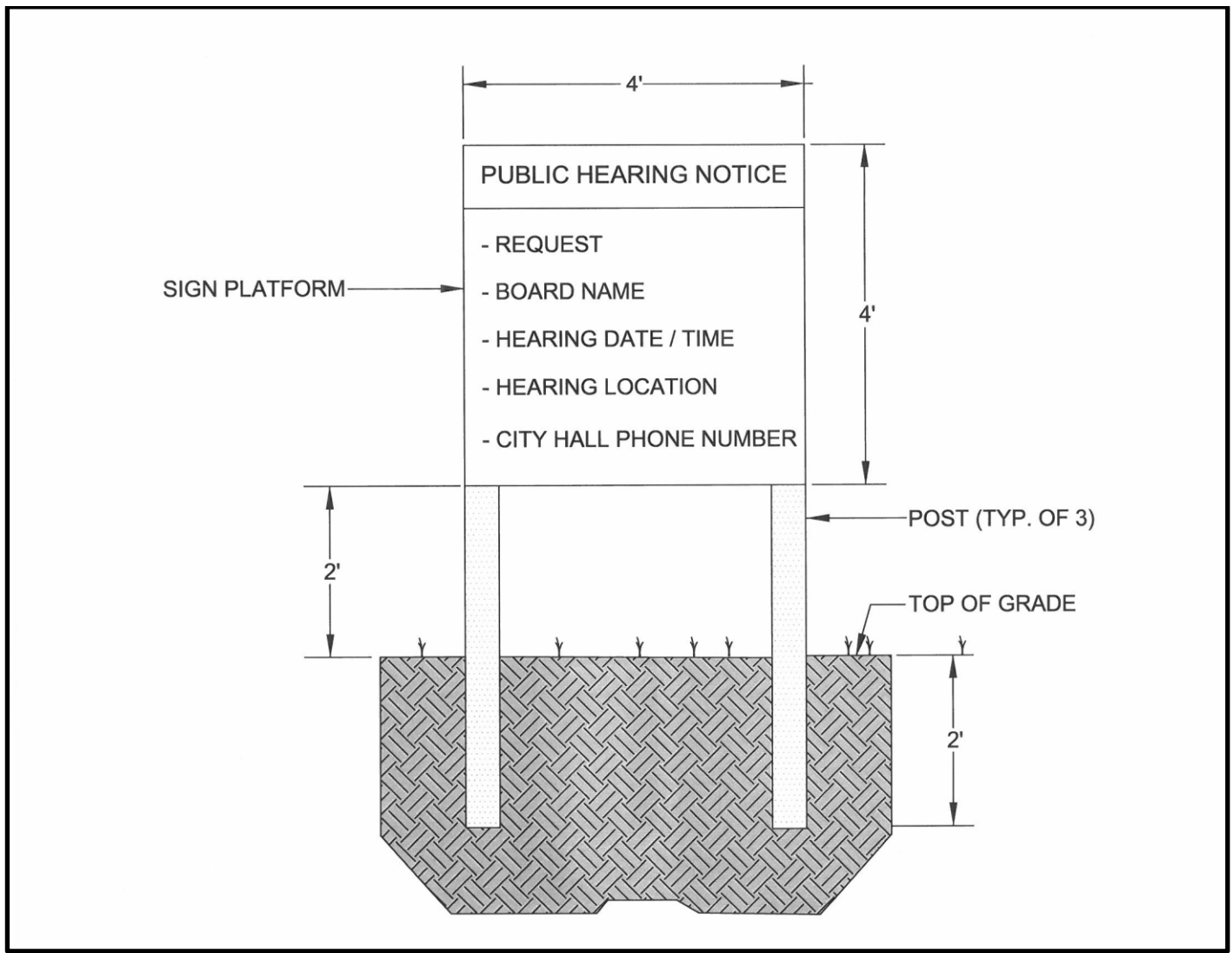


1  
2  
3 (2) Existing structures. Applications consisting of a  
4 variance, administrative appeal, plat or plat amendment,  
5 rezoning, Land Use Map Amendment, or minor modification to an  
6 existing structure shall post signs meeting the following  
7 criteria:  
8

9 (a) Freestanding, single-faced sign, posted to a height  
10 of six (6) feet above grade.  
11

12 (b) The sign face shall be at least sixteen (16) square  
13 feet, such it that is at least four (4) feet wide by  
14 four (4) feet high.  
15

16 (c) The sign(s) shall provide the information described  
17 in Section 31-55(B) (3) (a), below.  
18



(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:

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

1                   (ii) The board scheduled to hear the application,  
2                   for example, "MARGATE BOARD OF ADJUSTMENT."

3  
4                   (iii) The hearing date and time.

5  
6                   (iv) The hearing location.

7  
8                   (v) The phone number for City Hall.

9  
10               (b) Posting. Public hearing signs shall be posted in  
11               the following manner:

12  
13                   (i) One (1) public hearing sign shall be posted by  
14                   the applicant facing each adjacent public right-of-  
15                   way of the subject property. If the subject  
16                   property does not have an adjacent right-of-way,  
17                   the sign(s) shall be installed on the subject  
18                   property in a manner to provide the highest level  
19                   of visibility to the public, as determined by city  
20                   staff. Signs must be posted on the subject  
21                   property, setback five (5) feet. The intent of  
22                   this Section is to provide highly visible notice to  
23                   the public, as such, if visual obstructions exist  
24                   on the subject property such as landscaping or man-  
25                   made structure(s), the height and setback may be  
26                   adjusted to provide the best visibility possible,  
27                   as determined by city staff.

28  
29                   (ii) The sign face shall be white, with black  
30                   lettering, using a minimum of six (6) inch tall  
31                   type.

32  
33                   (iii) In the event that an application is tabled, or  
34                   where sequential hearings are required, the  
35                   petitioner shall update the sign(s) within seventy-  
36                   two (72) hours of the most recent hearing date.  
37                   The sign must be updated at least fourteen (14)  
38                   days prior to the next scheduled hearing in order  
39                   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 commission shall consider and determine all applications for site plan approval for new construction as provided for in the following sections.~~

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

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

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

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

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

~~1. Plot lines.~~

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

~~3. Off-street parking, curbing, wheel stops and 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.~~

~~(3) Pre application. Before consideration by the city commission, all site plans shall be reviewed by the development review committee. The committee shall file a report to the city commission evaluating the compliance of the site plan with the requirements of chapter [sections] 31-31 through 31-37 of the City Code and these district regulations. An application shall not be placed on the commission agenda unless the site plan is complete and all pertinent technical information is available.~~

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

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

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

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

31  
32 **SECTION 4:** The Code of the City of Margate,  
33 Florida, Appendix A Zoning, Article XXII Community Business  
34 B-2 District, Section 22.10 Review criteria for new  
35 construction for a special exception use is hereby deleted in  
36 its entirety:

37 ~~**Section 22.10. – Review criteria for new construction for**~~  
38 ~~**a special exception use.**~~

39 ~~In granting or denying a request for a special exception use~~  
40 ~~approval pursuant to the procedure specified in [section 22.9](#),~~  
41 ~~the city commission shall consider the following:~~

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



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

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

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

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

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

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

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

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

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

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

34  
35 **SECTION 5:** The Code of the City of  
36 Margate, Florida, Appendix A Zoning, Article XXII Community  
37 Business B-2 District, Section 22.11 Site data required for  
38 existing buildings for a special exception use is hereby deleted  
39 in its entirety:  
40

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

43 ~~(1) Requirement. Prior to the issuance of a permit for a~~  
44 ~~special exception use, a site shall be approved by a resolution~~

1 of the city commission. The city commission shall consider and  
2 determine all applications for site plan approval for existing  
3 buildings as provided for in the following sections.

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

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

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

14 ~~(c) Existing and proposed street paving, drainage structures,~~  
15 ~~sidewalks and driveways.~~

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

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

19  
20 **SECTION 6:** The Code of the City of Margate,  
21 Florida, Appendix A Zoning, Article XXII Community Business  
22 B-2 District, Section 22.12 Review criteria for existing  
23 buildings for a special exception use is hereby deleted in  
24 its entirety:

25 ~~**Section 22.12. - Review criteria for existing buildings**~~  
26 ~~**for a special exception use.**~~

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

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

33  
34 ~~**Section 22.13. - Promotional event review criteria.**~~

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

38  
39 ~~(a) A site plan showing the exact location of where the~~  
40 ~~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:

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

**Section 25.3. - Permitted uses.**

No building or structure, or any 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:

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

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

1 activity centers (including areas containing permitted  
2 coin-operated machines) shall be restricted to children,  
3 ages twelve (12) and under, and persons accompanying such  
4 children for supervisory purposes.  
5

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

10 . . .  
11 **[Note to Municipal Code: The rest of this section shall**  
12 **remain as codified.]**

13  
14 **SECTION 12:** The Code of the City of  
15 Margate, Florida, Appendix A Zoning, Article XI Community  
16 Facility CF-1 District, Section 11.3 Permitted uses is hereby  
17 amended to read as follows:  
18  
19

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

22  
23 (B) Special exception uses. Special exception uses may be  
24 deemed appropriate to provide a complete distribution of uses  
25 within the city, but because of their operational  
26 characteristics or area requirements need to be given  
27 individual consideration with respect to their location, access  
28 and relationship to adjacent properties and public rights-of-  
29 way, and conformity with the city's current and future  
30 redevelopment efforts.

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

39 (a) Private academic schools, including VPK (voluntary  
40 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 existing buildings or sites~~ Chapter 31 Section 31-54 of the Margate Code of Ordinances, with the following exceptions:

1 (1)

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

6 (2)

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

10  
11 **SECTION 19:** The Code of the City of Margate,  
12 Florida, Chapter 2, Administration, Article IV Boards,  
13 Committees, Etc. Division 2. Board of Adjustment, Section 2-78  
14 Powers and duties is hereby amended to read as follows:  
15

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

17 (a)

18 The board shall have the following powers:

19 (1)

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

24 ~~(2)~~

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

28 ~~(23)~~

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

39 ~~(4)~~

40 ~~To hear and grant or deny special exceptions to the terms~~  
41 ~~of zoning ordinances of the city such action as will not be~~  
42 ~~contrary to the public interests and/or where, owing to~~  
43 ~~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.**

Applications to the board of adjustment for variance or other appeals shall be filed with the ~~city clerk~~ Economic Development

1 Department on forms furnished by that ~~office~~ department. The  
2 application or appeal shall be accompanied by the following fee:

3 (1)

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

7 (2)

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

17  
18 **SECTION 20:** The Code of the City of Margate,  
19 Florida, Chapter 2, Administration, Article IV Boards,  
20 Committees, Etc. Division 2. Board of Adjustment, Section 2-80  
21 Proceedings on applications for variances or other appeals is  
22 hereby amended to read as follows:  
23

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

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

30 (a)

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

41 (b)

42 In the event the appeal or application is filed for the  
43 purpose of seeking a variance ~~or special exception~~ to the

terms of any zoning ordinance, all public notice requirements of Section 31-55 ~~a sign meeting all of the requirements as contained in subsection 39.4(d) of appendix A of the City Code~~ shall be posted and said code provision complied with.

(c)

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

(d)

Reserved.

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

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

(a)

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

(b)

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

(c)

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

Any aggrieved person or entity may appeal a variance, ~~special exception~~, or appeal of a ruling of an administrative official if a request for an appeal ~~shall~~ is be made with the city clerk's office within seven (7) days after the written decision of the

1 board of adjustment is transmitted to the city clerk. After action  
2 of the city commission, the decision of the board of adjustment  
3 shall be deemed either confirmed or, depending on the motion,  
4 reversed. The affirmative vote of three (3) members of the city  
5 commission shall be necessary in order to reverse the  
6 recommendation of the board of adjustment.

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

13  
14 **SECTION 22:** The Code of the City of  
15 Margate, Florida, Chapter 11, Drainage and Waterway Structures,  
16 Section 11-10 is hereby amended to read as follows:  
17

18 **Sec. 11-10. - Reserved ~~Special exemptions; application; deposit;~~**  
19 **hearing.**

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

39  
40 **SECTION 23:** The Code of the City of Margate,  
41 Florida, Appendix A Zoning, Article XXXIX Sign Code, Section  
42 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.~~

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



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1 extent of such conflict.

2  
3 **SECTION 26:** If any section, sentence, clause, or  
4 phrase of this ordinance is held to be invalid or  
5 unconstitutional by a court of competent jurisdiction, then said  
6 holding shall in no way affect the validity of the remaining  
7 portions of this ordinance.

8  
9 **SECTION 27:** It is the intention of the City  
10 Commission that the provisions of this ordinance shall become  
11 and be made a part of the City of Margate Code, and that the  
12 sections of this ordinance may be renumbered or relettered and  
13 the word "ordinance" may be changed to "section", "article" or  
14 such other appropriate word or phrase in order to accomplish  
15 such intentions.

16  
17 **SECTION 28:** This ordinance shall become effective  
18 immediately upon adoption at its second reading.

19  
20 PASSED ON FIRST READING THIS \_\_\_\_ day of \_\_\_\_\_ 2017.

21  
22 PASSED ON SECOND READING THIS \_\_\_\_ day of \_\_\_\_\_ 2017.

23  
24 ATTEST:

25  
26  
27 \_\_\_\_\_  
28 JOSEPH KAVANAGH  
29 CITY CLERK

30  
31  
32 \_\_\_\_\_  
33 MAYOR TOMMY RUZZANO

34  
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*RECORD OF VOTE - 1ST READING*      *RECORD OF VOTE - 2ND READING*

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

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