

1 CITY OF MARGATE, FLORIDA

2 ORDINANCE NO. _____

3 AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE,
4 FLORIDA, AMENDING CHAPTER 31, PLATTING, SUBDIVISION
5 AND OTHER LAND USE REGULATIONS; CREATING NEW
6 ARTICLE VI; CREATING NEW SECTION 31-54, QUASI
7 JUDICIAL PROCEEDINGS; CREATING NEW SECTION 31-55,
8 PUBLIC NOTICE; AMENDING ARTICLE XXII COMMUNITY
9 BUSINESS B-2 DISTRICT, ARTICLE XXI NEIGHBORHOOD
10 BUSINESS DISTRICT, SECTION 21.3, ARTICLE XXIII
11 LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3,
12 ARTICLE XXIV LIGHT INDUSTRIAL M-1 DISTRICT, SECTION
13 24.3, ARTICLE XXV INDUSTRIAL PARK M-1A DISTRICT,
14 SECTION 25.3, ARTICLE XI COMMUNITY FACILITY CF-1
15 DISTRICT, SECTION 11.3, ARTICLE VII TRANSIT
16 ORIENTED CORRIDOR-CORRIDOR (TOC-C) DISTRICT,
17 SECTION 7.3, ARTICLE VIII TRANSIT ORIENTED
18 CORRIDOR-GATEWAY (TOC-G) DISTRICT; SECTION 8.4,
19 ARTICLE IX TRANSIT ORIENTED CORRIDOR-CITY CENTER
20 (TOC-CC) DISTRICT, SECTION 9.5 AND SECTION 9.8,
21 ARTICLE XXXI NONCONFORMING USE AND STRUCTURES,
22 SECTION 31.7, ARTICLE XXXVI ARCADE AMUSEMENT
23 CENTERS AND DEVICES, SECTION 36.3, ARTICLE XXXIX
24 SIGN CODE, SECTION 39.4 REQUIRED SIGNS, CHAPTER 2,
25 ADMINISTRATION, ARTICLE IV BOARDS, COMMITTEES, ETC.
26 DIVISION 2. BOARD OF ADJUSTMENT, CHAPTER 11
27 DRAINAGE AND WATERWAY STRUCTURES, PROVIDING FOR
28 USES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR
29 SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING
30 FOR AN EFFECTIVE DATE.

31
32
33 BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
34 MARGATE, FLORIDA:

35
36 **SECTION 1:** The Code of the City of Margate, Florida,
37 Chapter 31 Platting, Subdivision and Other Land Uses, Article VI
38 Quasi-Judicial Proceedings, is hereby created to read as
39 follows¹:

40 **ARTICLE 6 - QUASI JUDICIAL PROCEEDINGS**

41 ¹ CODING: Words in ~~struck through~~ text are deletions from existing text;
42 words in underscoring text are additions to existing text, and shaded text
43 reflects 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 but
24 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 inches or greater caliper, d.b.h.

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

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

38 1. Plot lines.

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

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

43 4. Street paving, drainage structures, sidewalks,
44 driveways, intersections, medians, existing and
45 proposed deceleration and turning lanes.

- 1 5. Setbacks.
- 2 6. Floor plans, and exterior sales, storage or
- 3 service areas.
- 4 7. Internal walks and pedestrian ways.
- 5 8. Typical building exterior elevation view.
- 6 9. Signs and exterior lighting.
- 7 10. Water mains and fire hydrants; sewer
- 8 laterals.
- 9 11. Buffering and fencing or decorative masonry
- 10 walls.
- 11 12. Solid waste disposal containers and
- 12 enclosures.
- 13 13. Proposed finished floor and pavement
- 14 elevations.
- 15 14. Landscaping plan.
- 16 15. Any other architectural, engineering or
- 17 other data as may be required to permit the
- 18 necessary findings.

19 (2) The required application fee as provided in Section 31-

20 39 of this Code.

21 (3) A written and graphic summary of the proposed project

22 and its relationship to the general standards of review

23 in section 31-54(C) of this Code. Included in this

24 summary shall be a needs analysis which considers market

25 conditions, demand for the use, existing similar uses,

26 and proximity of existing similar uses to the location

27 of the proposed use.

28 (4) Ownership affidavit and owner's sworn to consent, if

29 applicable.

30

31 (C) General standards of review. In addition to the standards

32 set forth in this Code of Ordinances for the particular use,

33 all proposed special exceptions shall meet each of the

34 following standards:

35 (1) The special exception shall be consistent with the

36 purposes, goals, objectives and policies of the Margate

37 Comprehensive Plan and the Margate Code of Ordinances.

38 (2) The establishment, maintenance or operation of the

39 proposed use shall not be detrimental to or endanger the

40 public health, safety, or general welfare.

41 (3) The establishment, maintenance or operation of the

42 proposed use shall only be approved if in the best

43 interest of the City. It shall be determined that a

44 genuine need for the use is present in the City to

45 support and justify the approval of the proposed use, in

1 order to avoid creating an excessive proliferation of
2 said special exception use.

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

6 (5) Utilities, roadway capacity, drainage, and other
7 necessary public facilities, including police, fire and
8 emergency services, shall exist at the City's adopted
9 levels of service, or will be available concurrent with
10 demand as provided for in the requirements of this Code.

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

18 (7) There shall be adequate parking areas and off street
19 truck loading spaces (if applicable) consistent with the
20 parking requirements of the Code, and the layout of the
21 parking and vehicular use areas shall be convenient and
22 conducive to safe operation consistent with City
23 standards to the greatest extent possible.

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

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

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

35
36 (D) *Review by Development Review Committee (DRC).* A
37 complete application which is submitted pursuant to a schedule
38 prepared by the Economic Development Department shall be
39 reviewed at the next available DRC meeting. The DRC shall
40 review the proposed use based on the general standards of
41 review, use regulations, development standards of this Code,
42 and all other applicable development regulations. The DRC
43 chairman shall submit a written report, incorporating the
44 findings and recommendation of the DRC, to the Planning and
45 Zoning Board and City Manager.
46

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

16
17 (F) Review by City Commission. The City Commission
18 shall review all special exception applications. The Director
19 of Economic Development shall transmit to the City Manager a
20 copy of the complete application and a written staff report
21 summarizing the facts of the case including all relevant
22 documents and the recommendations of the Planning and Zoning
23 Board, if applicable. The City Manager shall schedule the
24 proposed special exception application for the next available
25 City Commission meeting, provided the required notice
26 procedures are met.

27
28 (1) Public hearing. The City Commission shall hold one
29 public hearing on the proposed special exception.

30
31 (2) Action by City Commission. In considering a special
32 exception request, the City Commission shall review the
33 proposed special exception, based on the general purpose and
34 standards of review set forth in this section, the report of
35 administration and recommendation(s) of the Planning and Zoning
36 Board, and any oral and written comments received before or at
37 the public hearing. Based upon the record developed at the
38 public hearings, the City Commission may:

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

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

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

44
45 (G) Conditions. The City Commission may attach such
46 conditions to the approval as it deems necessary to ensure the

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

10
11 (H) *Effect of approval or denial.*

12
13 (1) *Eligibility to apply for building permit, etc.* Approval of
14 the application for special exception by the City Commission
15 authorizes the applicant to proceed with any necessary
16 applications for final site plan approval, building permits,
17 certificates of level of service, and other permits, which the
18 City may require for the proposed development. No permit shall
19 be issued for work which does not comply with the terms of the
20 special exception approval.

21
22 (2) *Expiration of special exception approval.* Unless otherwise
23 provided in the approval, the approval of a special exception
24 application shall be void if a building permit or engineering
25 permit has not been issued for the proposed development within
26 12 months after the date of the special exception approval. An
27 applicant who has obtained special exception approval may
28 request an extension of this time period by submitting within
29 the 12 month period a letter stating the reasons for the
30 request. The City Commission may, at a regular meeting, grant
31 an extension of up to 12 months, per Chapter 31 Section 31-
32 38(c) of the Code of Ordinances.

33
34 (3) *Rescission of approval by abandonment of use.* Any
35 discontinuation of an approved special exception for a period
36 of 180 consecutive days shall constitute abandonment and shall
37 rescind the approval of the special exception. The abandonment
38 period shall be presumed to have commenced upon the termination
39 of electrical or water service for the user, whichever occurs
40 first.

41
42 (I) *Amendments and alterations to approved special exceptions.*

43
44 (1) Except as provided under section 31-54(I)(2), any
45 expansion to an approved special exception and any addition to
46 or expansion of an existing special exception shall require the

1 same application, review and approval as required under this
2 section for the original approval of the special exception.

3
4 (2) Minor changes in the site plan or design details of an
5 approved special exception which are consistent with the
6 standards and conditions applying to the special exception and
7 which do not result in additional external impacts, such as a
8 minor shift in the location of a building or structure, the
9 realignment of parking spaces and aisles, the relocation of a
10 driveway, etc., may be approved by the DRC administratively
11 without obtaining additional approvals. No increase in the
12 intensity or change in use shall be considered a minor change
13 for the purposes of this section.

14
15 **Sec. 31-55 - Public Notice**

16
17 (A) Mailings. When an application for special exception,
18 conditional use, variance, administrative appeal, plat or
19 plat amendment, rezoning, telecommunications site
20 development, or Land Use Map Amendment is filed with the
21 City, the applicant shall be responsible for mailing public
22 notice to the owners of all real property lying within 500
23 feet of the subject property for which said application was
24 filed.

25
26 (1) Content. The mailed notification shall state "PUBLIC
27 HEARING NOTIFICATION" in bold print at the top of the notice
28 and include the following information:

29
30 (a) The applicant's name.

31
32 (b) The address of the subject property of the
33 application.

34
35 (c) The type of application that was filed with the
36 City.

37
38 (d) A description of the proposed project, including
39 the proposed use, hours of operations, acreage of
40 parcel, square footage of structure(s), and/or number
41 and type of residential units.

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

2
3 (f) The scheduled date(s) and time(s) of hearing(s).

4
5 (g) The address of where the hearing(s) is/are to take
6 place.

7
8 (h) Municipal contact information for the department
9 processing the application, including the department
10 name, phone number and address.

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

22
23 (a) For applications that require sequential reviews by
24 multiple boards of the City, the notice shall include
25 the scheduled dates, times, board names, and locations
26 for all required hearings.

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

39
40 (2) In the event that an application is delayed
41 between hearings of a sequential review for any
42 reason other than being tabled, as described above,

1 then the applicant shall mail a revised notice as
2 provided in this Section at least 14 days prior to
3 the rescheduled hearing.

4
5 (3) In the event that an applicant appeals a board
6 decision to a higher body of the City, or that the
7 City Commission refers a special exception
8 application back to the Planning and Zoning Board
9 as described in Section 31-54(F)(2)(c), the
10 applicant shall mail a revised notice as provided
11 in this Section at least 14 days prior to the
12 rescheduled hearing.

13
14 (b) Upon mailing the required public notice, the
15 applicant shall submit proof of said mailing to include
16 a sample letter, postage receipt, and a sworn affidavit
17 affirming that the public notice requirements of this
18 section have been executed as described in this section.
19 Said proof of mailing shall be provided to the City at
20 least ten (10) days prior to the first scheduled
21 hearing.

22
23 (c) In the event that the applicant fails to satisfy
24 all of the requirements of this Section, the application
25 shall not be scheduled for the Planning and Zoning
26 Board, Board of Adjustment, or City Commission, until
27 the above requirements have been met.

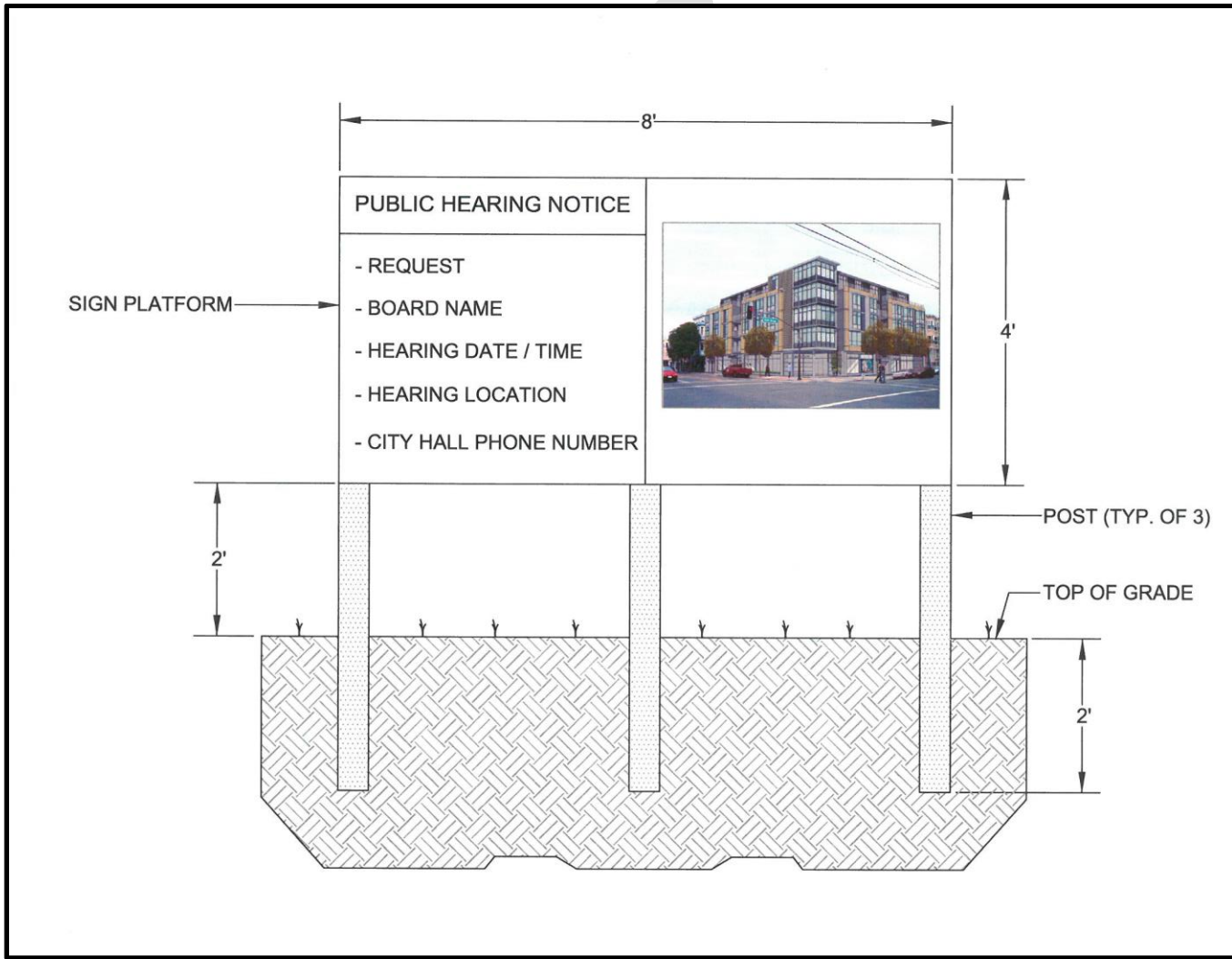
28
29 (B) Signs. When an application for special exception, conditional
30 use, variance, administrative appeal, plat or plat amendment,
31 rezoning, or Land Use Map Amendment is filed with the City,
32 the applicant shall be responsible for posting public hearing
33 notice on the subject property of the application at least 14
34 days prior to the scheduled public hearing.

35
36 (1) New construction. Applications consisting of
37 development, redevelopment, major renovation of an existing
38 structure, façade change, change of use, special exception,
39 conditional use, or any other new construction of a building
40 or structure other than that on an individual single family
41 home shall post signs meeting the following criteria:

42
43 (a) Freestanding, single-faced sign, posted to a height
44 of six feet above grade.

1
2 (b) The sign face shall be 32 square feet in area, such
3 that it is eight feet wide by four feet high.
4

5 (c) The sign face shall be laterally divided into two
6 symmetrical sides. The right side of the sign shall
7 display a colored rendering of the proposed project.
8 The left side shall provide the information described in
9 Section 31-55(B) (3) (a), below.
10



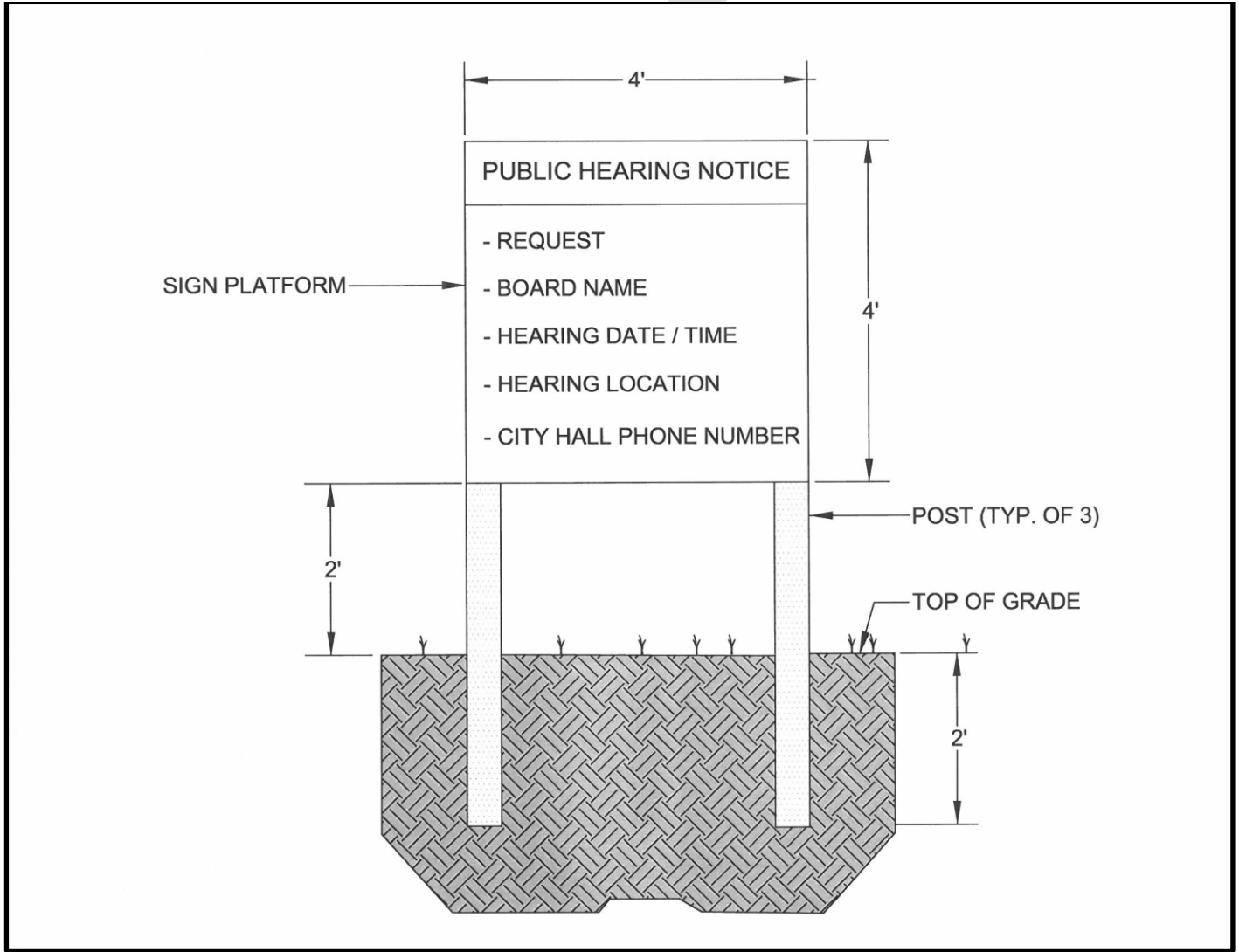
11
12
13
14 (2) Existing structures. Applications consisting of a
15 variance, administrative appeal, plat or plat amendment,
16 rezoning, Land Use Map Amendment, or minor modification to an
17 existing structure shall post signs meeting the following
18 criteria:

1
2
3
4
5
6
7
8
9
10
11

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

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

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



12
13
14
15
16
17

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

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

5
6 (i) The type of hearing request, and brief
7 description of the application, for example,
8 "SPECIAL EXCEPTION FOR GASOLINE STATION."

9
10 (ii) The board scheduled to hear the application,
11 for example, "MARGATE BOARD OF ADJUSTMENT."

12
13 (iii) The hearing date and time.

14
15 (iv) The hearing location.

16
17 (v) The phone number for City Hall.

18
19 (b) Posting. Public hearing signs shall be posted in
20 the following manner:

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

37
38 (ii) The sign face shall be white, with black
39 lettering, using a minimum of six inch tall type.

1 (iii) In the event that an application is tabled, or
2 where sequential hearings are required, the
3 petitioner shall update the sign(s) within 72 hours
4 of the most recent hearing date. The sign must be
5 updated at least 14 days prior to the next
6 scheduled hearing in order to be heard.

7
8 (c) Bond. Petitioner shall execute a public hearing
9 sign bond agreement with the City acknowledging that the
10 above sign(s) shall be removed within two business days
11 following a final determination on the matter. If said
12 sign(s) is/are not removed in two business days, the
13 petitioner, on behalf of the owners of the property,
14 authorize the administration of the City of Margate to
15 remove said sign(s), forfeiting the bond fee.

16
17 **SECTION 2:** The Code of the City of Margate,
18 Florida, Appendix A Zoning, Article XXII Community Business B-2
19 District, Section 22.3 Permitted uses is hereby amended to read
20 as follows:

21 . . .
22 . . .
23 . . .
24 . . .

25 (B) *Special exception uses.* The following uses are
26 authorized upon a finding by the eCity eCommission that a
27 special exception to the article is warranted, pursuant to
28 the procedure and criteria set forth in Chapter 31 Section
29 31-54 sections 22.9 through 22.12 of this Code.

30
31 . . .

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

34 **SECTION 3:** The Code of the City of
35 Margate, Florida, Appendix A Zoning, Article XXII Community
36 Business B-2 District, Section 22.9 Site plan required for new
37 construction for a special exception use is hereby deleted in
38 its entirety:
39

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

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

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

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

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

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

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

22 ~~1. Plot lines.~~

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

25 ~~3. Off-street parking, curbing, wheel stops and interior~~
26 ~~landscape area.~~

27 ~~4. Street paving, drainage structures, sidewalks,~~
28 ~~driveways, intersections, medians, existing and proposed~~
29 ~~deceleration and turning lanes.~~

30 ~~5. Setbacks.~~

31 ~~6. Floor plans, and exterior sales, storage or service~~
32 ~~areas.~~

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

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

35 ~~9. Signs and exterior lighting.~~

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

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

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

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

40 ~~14. Landscaping plan.~~

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

43 ~~(3) Pre application. Before consideration by the city~~
44 ~~commission, all site plans shall be reviewed by the development~~

1 review committee. The committee shall file a report to the city
2 commission evaluating the compliance of the site plan with the
3 requirements of chapter [sections] ~~31-31~~ through ~~31-37~~ of the
4 City Code and these district regulations. An application shall
5 not be placed on the commission agenda unless the site plan is
6 complete and all pertinent technical information is available.

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

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

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

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

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

43 ~~Section 22.10. - Review criteria for new construction for~~
44 ~~a special exception use.~~

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

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

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

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

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

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

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

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

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

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

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

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

40
41 **SECTION 5:** The Code of the City of
42 Margate, Florida, Appendix A Zoning, Article XXII Community
43 Business B-2 District, Section 22.11 Site data required for
44 existing buildings for a special exception use is hereby deleted
45 in its entirety:

1
2 ~~Section 22.11. - Site data required for existing buildings~~
3 ~~for a special exception use.~~

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

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

14 ~~(a) Site data, including existing and proposed floor areas,~~
15 ~~aggregate building coverage, green space and vehicular use~~
16 ~~areas.~~

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

19 ~~(c) Existing and proposed street paving, drainage structures,~~
20 ~~sidewalks and driveways.~~

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

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

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

30 ~~Section 22.12. - Review criteria for existing buildings~~
31 ~~for a special exception use.~~

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

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

38
39 ~~Section 22.13. - Promotional event review criteria.~~

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

- 4
- 5 ~~(a) A site plan showing the exact location of where the~~
6 ~~event is to take place.~~
 - 7 ~~(b) A detailed description of the event.~~
 - 8 ~~(c) A schedule of the exact dates and times of the event.~~
 - 9 ~~(d) A letter of approval from the property owner.~~
 - 10 ~~(e) Proof of insurance.~~
 - 11 ~~(f) Documentation that the City of Margate Police~~
12 ~~Department has been contacted to provide assistance~~
13 ~~and that payment has been rendered.~~

14

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

- 18 ~~(a) That the proposed event is compatible with the~~
19 ~~existing use of the property and with the surrounding~~
20 ~~properties.~~
- 21 ~~(b) That the proposed event does not create a safety~~
22 ~~hazard for persons and/or property in the surrounding~~
23 ~~area.~~
- 24 ~~(c) That the amount of parking demands created by the~~
25 ~~event being considered, especially with regard to the~~
26 ~~adverse impact on adjacent residential areas, is~~
27 ~~adequate, and that the location being considered~~
28 ~~meets the criteria for current parking.~~
- 29 ~~(d) That the proposed event does not adversely affect~~
30 ~~traffic conditions so as to create a nuisance.~~
- 31 ~~(e) That all ingress and egress areas are kept open for~~
32 ~~the free flow of traffic circulation. Barricades may~~
33 ~~be required for safety purposes.~~
- 34 ~~(f) That traffic created by the proposed event does not~~
35 ~~directly affect or interfere with the flow of traffic~~
36 ~~in the surrounding residential areas. Furthermore, no~~
37 ~~such event may take place within one hundred (100)~~
38 ~~feet of any residentially zoned property. This~~
39 ~~distance shall be measured from the limits of the~~
40 ~~proposed event to the residential property line.~~
- 41 ~~(g) That any signage used for the proposed event is in~~
42 ~~conformance with Article XXXIX of the City Code [this~~
43 ~~appendix].~~

1 ~~(h) That additional conditions may be imposed upon the~~
2 ~~petitioner as deemed necessary by the development~~
3 ~~review committee.~~

4
5 **SECTION 8:** The Code of the City of Margate,
6 Florida, Appendix A Zoning, Article XXI Neighborhood Business B-
7 1 District, Section 21.3 Permitted uses is hereby amended to
8 read as follows:

9
10
11 (B) *Special exception uses.* The following uses are authorized
12 upon a finding by the city commission that a special exception
13 to the article is warranted. The City eCommission shall
14 consider all applications for a special exception approval
15 pursuant to the procedure and criteria set forth in ~~sections~~
16 ~~23.9 and 23.10 for new construction and in sections 23.11 and~~
17 ~~23.12 for uses at existing buildings~~ Chapter 31 Section 31-54
18 of the Margate Code of Ordinances.

19
20
21 **[Note to Municipal Code: The rest of this section shall**
22 **remain as codified.]**

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

27
28
29 (B) *Special exception uses.* The following uses are authorized
30 upon a finding by the eCity eCommission that a special
31 exception to the article is warranted, pursuant to the
32 procedure and criteria set forth in ~~sections 22.9 through 22.12~~
33 ~~of this Code~~ Chapter 31 Section 31-54 of the Margate Code of
34 Ordinances.

35
36 **[Note to Municipal Code: The rest of this section shall**
37 **remain as codified.]**

1
2 **SECTION 10:** The Code of the City of Margate,
3 Florida, Appendix A Zoning, Article XXIV Light Industrial M-1
4 District, Section 24.3 Permitted uses is hereby amended to read
5 as follows:
6
7

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

17 (1) The following uses are authorized upon a finding by the
18 eCity eCommission that a special exception to the article is
19 warranted, pursuant to the procedure and criteria set forth in
20 sections ~~22.9~~ through ~~22.12~~ of this Code Chapter 31 Section 31-
21 54 of the Margate Code of Ordinances.
22

23
24 **[Note to Municipal Code: The rest of this section shall**
25 **remain as codified.]**

26
27 **SECTION 11:** The Code of the City of
28 Margate, Florida, Appendix A Zoning, Article XXV Industrial Park
29 M-1A District, is hereby amended to read as follows:

30 **Section 25.3. - Permitted uses.**

31 No building or structure, or any part thereof, shall be
32 erected, altered or used, or land or water used, in whole or in
33 part, for other than one ~~(1)~~ or more of the following uses:
34
35

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

1 (1) Children's activity center as an accessory use only.
2 For the purposes of this section, "children's activity
3 center" is defined as any establishment containing modular
4 retail play/soft play structures, indoor playgrounds,
5 children's party rooms or food services. Retail play/soft
6 play areas of children's activity centers may also contain
7 up to ten (10) coin-operated machines designed
8 specifically for children, ages ~~twelve~~(12) and under.
9 Access to retail play/soft play areas of children's
10 activity centers (including areas containing permitted
11 coin-operated machines) shall be restricted to children,
12 ages ~~twelve~~(12) and under, and persons accompanying such
13 children for supervisory purposes.
14

15 The eCity eCommission shall consider all applications for
16 special exception approval pursuant to the procedure set
17 forth in ~~sections 23.9 and 23.10~~ Chapter 31 Section 31-54
18 of the Margate Code of Ordinances.

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

22
23 **SECTION 12:** The Code of the City of
24 Margate, Florida, Appendix A Zoning, Article XI Community
25 Facility CF-1 District, Section 11.3 Permitted uses is hereby
26 amended to read as follows:
27
28

29 **Section 11.3. - Permitted uses.**
30
31

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

1 (1) The following uses are authorized upon a finding by the
2 City eCommission that a special exception to the article
3 is warranted. The City eCommission shall consider all
4 applications for special exception approval pursuant to
5 the procedures and criteria set forth in ~~sections 22.9~~
6 ~~and 22.10~~ for new construction and in ~~sections 22.11~~ and
7 ~~22.12~~ for use of existing buildings or sites Chapter 31
8 Section 31-54 of the Margate Code of Ordinances.

9 (a) Private academic schools, including VPK (voluntary
10 prekindergarten), elementary, middle and senior
11 schools unless located on the same plot as a house
12 of worship. Such use shall be located on a plot at
13 least four ~~(4)~~ acres in area.

14 (b) Public or private postsecondary educational
15 facilities, including vocational schools. Any
16 associated residence shall be ancillary to the
17 permitted use, and permitted only for full-time
18 students of the post-secondary educational facility
19 and any staff required to preserve the safety and
20 welfare of resident students.

21 (c) Charter schools and charter lab schools properly
22 sponsored by the School Board of Broward County or
23 a state university.

24 . . .
25 **[Note to Municipal Code: The rest of this section shall**
26 **remain as codified.]**

27
28 **SECTION 13:** The Code of the City of
29 Margate, Florida, Appendix A Zoning, Article VII Transit
30 Oriented Corridor-Corridor (TOC-C) District, Section 7.3 TOC-C
31 Corridor Permitted uses is hereby amended to read as follows:
32

33 **Section 7.3. - TOC-C Corridor permitted uses.**
34 . . .

35 (B)
36 *Special exception uses.* Special exception uses may be deemed
37 appropriate to provide a complete distribution of commercial
38 uses with the eCity, but because of their operational
39 characteristics or area requirements need to be given
40 individual consideration with respect to their location,
41 access and relationship to adjacent properties and public

1 rights-of-way, and conformity with the eCity's current and
2 future redevelopment efforts.

3 (1)

4 The following uses are authorized upon a finding by the
5 eCity eCommission that a special exception to the article
6 is warranted, pursuant to the procedure and criteria set
7 forth in ~~sections 22.9 through 22.12~~ 3.32 of this Code
8 Chapter 31 Section 31-54 of the Margate Code of Ordinances.

9 . . .
10 **[Note to Municipal Code: The rest of this section shall**
11 **remain as codified.]**

12
13 **SECTION 14:** The Code of the City of Margate,
14 Florida, Appendix A Zoning, Article VIII Transit Oriented
15 Corridor-Gateway (TOC-G) District, Section 8.4 TOC-G Gateway
16 permitted uses is hereby amended to read as follows:
17

18 **Section 8.4. - TOC-G Gateway permitted uses.**

19 . . .
20
21 (B)

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

30 (1)

31 The following uses are authorized upon a finding by the
32 eCity eCommission that a special exception to the article
33 is warranted, pursuant to the procedure and criteria set
34 forth in ~~sections 22.9 through 22.12~~ of this Code Chapter
35 31 Section 31-54 of the Margate Code of Ordinances.

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

1
2 **SECTION 15:** The Code of the City of Margate,
3 Florida, Appendix A Zoning, Article IX Transit Oriented
4 Corridor-City Center (TOC-CC) District, Section 9.5 TOC-CC City
5 Center permitted uses is hereby amended to read as follows:

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

7
8 (B)

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

17 (1)

18 The following uses are authorized upon a finding by the
19 eCity eCommission that a special exception to the article
20 is warranted, pursuant to the procedure and criteria set
21 forth in ~~sections 22.9 through 22.12~~ of this Code Chapter
22 31 Section 31-54 of the Margate Code of Ordinances.

23
24 **[Note to Municipal Code: The rest of this section shall**
25 **remain as codified.]**

26
27 **SECTION 16:** The Code of the City of
28 Margate, Florida, Appendix A Zoning, Article IX Transit Oriented
29 Corridor-City Center (TOC-CC) District, Section 9.8 Limitation
30 on uses is hereby amended to read as follows:
31

32 **Section 9.8. - Limitation on uses.**

33 1.

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

38 a.

1 Drive-through facilities approved as special exception
2 uses, and subject to the criteria contained in ~~Sections~~
3 ~~22.9 through 22.12~~ of this Code Chapter 31 Section 31-54 of
4 the Margate Code of Ordinances.

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

8
9 **SECTION 17:** The Code of the City of Margate,
10 Florida, Appendix A Zoning, Article XXXI Nonconforming Use and
11 Structures, Section 31.7 Discontinuance or abandonment of
12 special exceptions, variances, conditional uses, or waivers is
13 hereby amended to read as follows:
14

15 **Section 31.7. - Discontinuance or abandonment of ~~special~~**
16 **~~exceptions, variances, conditional uses, or waivers.~~**

17 (A)

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

28 (B)

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

40
41 **SECTION 18:** The Code of the City of Margate,
42 Florida, Appendix A Zoning, Article XXXVI Arcade Amusement

1 Centers and Devices, Section 36.6 Location or arcade amusement
2 centers is hereby amended to read as follows:

3 **Section 36.3. - Location of arcade amusement centers.**

4 Arcade amusement centers shall be permitted by special
5 exception in the TOC-C, TOC-G, TOC-CC, B-2 and B-3 zoning
6 districts, as provided in the eCity's Zoning Code pursuant to the
7 procedure and criteria set forth in ~~section 22.9 and 22.10~~ for new
8 construction, and in ~~sections 22.11 and 22.12~~ for the use of
9 ~~existing buildings or sites~~ Chapter 31 Section 31-54 of the
10 Margate Code of Ordinances, with the following exceptions:

11 (1)

12 Arcade amusement centers shall not be permitted within ~~one~~
13 ~~thousand (1,000)~~ feet of another similar establishment, nor
14 in any case within the same plaza, shopping center, mall,
15 or other facility as another similar establishment.

16 (2)

17 The distance shall be measured from the main entrance or
18 front door of one amusement arcade center to the main
19 entrance or front door of the other similar establishment.

20
21 **SECTION 19:** The Code of the City of Margate,
22 Florida, Chapter 2, Administration, Article IV Boards,
23 Committees, Etc. Division 2. Board of Adjustment, Section 2-78
24 Powers and duties is hereby amended to read as follows:
25

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

27 (a)

28 The board shall have the following powers:

29 (1)

30 To hear and determine appeals where it is alleged there is
31 error in any order, requirement, decision or determination
32 made by an administrative official in the enforcement of
33 the zoning regulations of the eCity.

34 ~~(2)~~

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

38 ~~(2)~~

39 To hear and grant or deny such variances from the terms of
40 any zoning ordinances of the eCity, ~~except those as to~~
41 ~~the number and allocation of liquor licenses by district~~

1 ~~and category.~~ To hear or deny such variances from the Code
2 of the eCity as will not be contrary to the public interest
3 or the general purposes sought to be accomplished by the
4 zoning ordinances and where, owing to special conditions, a
5 literal enforcement of the provisions of the zoning
6 ordinances will result in unnecessary hardship in the use
7 of the property involved.

8 ~~(4)~~

9 ~~To hear and grant or deny special exceptions to the terms~~
10 ~~of zoning ordinances of the city such action as will not be~~
11 ~~contrary to the public interests and/or where, owing to~~
12 ~~special conditions, a literal and exact enforcement of the~~
13 ~~provisions of zoning regulations will result in unnecessary~~
14 ~~hardship to the applicant.~~

15 (b)

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

18 (1)

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

24 (2)

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

28 ~~(3)~~

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

32 (34)

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

37 (c)

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

41 (d)

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

1
2 **SECTION 19:** The Code of the City of Margate,
3 Florida, Chapter 2, Administration, Article IV Boards,
4 Committees, Etc. Division 2. Board of Adjustment, Section 2-79
5 Applications for variances and other appeals is hereby amended
6 to read as follows:
7

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

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

13 (1)

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

17 (2)

18 For appeals from the board of adjustment to the eCity
19 eCommission: ~~Cost of certified postage.~~ The fee called for
20 in the appropriate case shall accompany the application or
21 notice of appeal, and if the fees are paid in the form of a
22 check, the check shall be made payable to the City of
23 Margate. Said sums shall be immediately forwarded to the
24 finance director to be placed in the appropriate account.
25 Failure to file such sums as costs shall render the
26 applicant's request or appeal void.

27
28 **SECTION 20:** The Code of the City of Margate,
29 Florida, Chapter 2, Administration, Article IV Boards,
30 Committees, Etc. Division 2. Board of Adjustment, Section 2-80
31 Proceedings on applications for variances or other appeals is
32 hereby amended to read as follows:
33

34 **Sec. 2-80. - Proceedings on applications for variances or other**
35 **appeals.**

36 Upon the filing of an application for a variance or other
37 appeal in proper form and the payment of the appropriate costs to
38 the City of Margate the procedure to be followed shall be in
39 accordance with the following appropriate regulations:

40 (a)

1 If the appeal is from a decision of an administrative officer
2 in the enforcement of zoning regulations, said appeal shall
3 be filed within ~~thirty~~ (30) days of the administrative
4 officer's decision. A copy of the appeal shall be furnished
5 to the administrative officer who shall within two ~~(2)~~ days
6 prepare a statement in writing of points involved and his
7 interpretation of the ordinances or regulations governing
8 same and his ruling thereof and shall furnish copies of
9 such statement to the board of adjustment and to the
10 manager of the eCity.

11 (b)

12 In the event the appeal or application is filed for the
13 purpose of seeking a variance ~~or special exception~~ to the
14 terms of any zoning ordinance, all public notice
15 requirements of Section 31-55 ~~a sign meeting all of the~~
16 ~~requirements as contained in subsection 39.4(d) of appendix~~
17 ~~A of the City Code shall be posted and said code provision~~
18 ~~complied with.~~

19 (c)

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

25 (d)

26 Reserved.

27
28 **SECTION 21:** The Code of the City of Margate,
29 Florida, Chapter 2, Administration, Article IV Boards,
30 Committees, Etc. Division 2. Board of Adjustment, Section 2-81
31 Decisions of the board is hereby amended to read as follows:
32

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

34 (a)

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

40 (b)

41 Orders and decisions of the board shall be in writing, one ~~(1)~~
42 copy of which shall be kept by the board, one ~~(1)~~ copy shall
43 be forwarded to the city clerk and shall become a public

1 record, and one ~~(1)~~ copy shall be given to the applicant or
2 appellant.

3 (c)

4 A decision of the board wherein a variance ~~or special~~
5 ~~exception~~ to a zoning regulation is granted or denied, or a
6 ruling of the administrative official charged with the
7 enforcement of the zoning regulations is confirmed or
8 overruled, ~~or a temporary permit for a nonconforming use is~~
9 ~~granted or denied~~ shall be final and binding unless an appeal
10 is taken to the eCity eCommission.

11 Any aggrieved person or entity may appeal a variance, ~~special~~
12 ~~exception~~, or appeal ~~of~~ a ruling of an administrative official if
13 a request for an appeal ~~shall~~ is be made with the city clerk's
14 office within seven ~~(7)~~ days after the written decision of the
15 board of adjustment is transmitted to the city clerk. After action
16 of the eCity eCommission, the decision of the board of adjustment
17 shall be deemed either confirmed or, depending on the motion,
18 reversed. The affirmative vote of three ~~(3)~~ members of the eCity
19 eCommission shall be necessary in order to reverse the
20 recommendation of the board of adjustment.

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

27
28 **SECTION 22:** The Code of the City of
29 Margate, Florida, Chapter 11, Drainage and Waterway Structures,
30 Section 11-10 is hereby amended to read as follows:
31

32 **Sec. 11-10. - Reserved ~~Special exemptions; application; deposit;~~**
33 **hearing.**

34 ~~All requests for special exceptions as will not be contrary to~~
35 ~~the public interests, where, owing to special conditions, a~~
36 ~~literal and exact enforcement of the provisions of this chapter~~
37 ~~will result in unnecessary hardship to the applicant, shall be~~
38 ~~filed with the city engineer. A filing fee of one hundred dollars~~
39 ~~(\$100.00) shall accompany the application for special exceptions~~
40 ~~to defray all advertising and engineering costs in the~~
41 ~~consideration of the application. The applicant shall furnish all~~
42 ~~engineering data as required in section 11-4 above to substantiate~~
43 ~~his request for special exception. Any moneys not used by the city~~
44 ~~engineer shall be refunded to the applicant. A public hearing~~

1 ~~shall be held by the city engineer not more than twenty (20) days~~
2 ~~after receipt of request for special exception who shall give due~~
3 ~~consideration to discussion by keeping a complete record of~~
4 ~~discussions at the public hearing. The city engineer shall,~~
5 ~~without undue delay, submit his report of the public hearing~~
6 ~~together with his recommendations to the city council for action.~~
7 ~~The city council shall determine, by resolution, any special~~
8 ~~exceptions to the terms of this chapter.~~

9
10 **SECTION 23:** The Code of the City of Margate,
11 Florida, Appendix A Zoning, Article XXXIX Sign Code, Section
12 39.4 Required signs is hereby amended to read as follows:

13 . . .
14 (D) (1) ~~A public hearing sign shall be posted by the~~
15 ~~petitioner when petitions are made for quasi-judicial land~~
16 ~~use determinations or amendments to the future land use map~~
17 ~~of the Margate Comprehensive Plan regarding specific~~
18 ~~parcels. (This shall include any administrative appeals to~~
19 ~~the city commission notwithstanding the fact that the~~
20 ~~petitioner is not the person or entity appealing.) Signs~~
21 ~~shall be single-faced, four-foot by four-foot (4 x 4)~~
22 ~~sign(s), with black lettering on a white background. The~~
23 ~~sign shall be installed on the property proposed for the~~
24 ~~public hearing seven (7) days prior to the public hearing~~
25 ~~and shall contain the following language: "A public hearing~~
26 ~~concerning the (petition to be heard) of this property will~~
27 ~~be held by the (insert name of board or commission as~~
28 ~~appropriate) of the City of Margate at (time, place and~~
29 ~~date). Call (954) 972-6454 for further information."~~

30 Public Hearing Signs. All public hearing items heard by any
31 board, committee or City Commission of the City of Margate
32 shall post a public hearing sign as required by Section 31-
33 55(B) of this Code.

34
35
36 ~~(2) The petition category, date of hearing and~~
37 ~~information shall be displayed in bold font a~~
38 ~~minimum of six (6) inches in height. Signs shall be~~
39 ~~posted on the property proposed for the hearing facing~~
40 ~~all road frontages, set back five (5) feet from the~~
41 ~~property line, and top of sign shall be six (6) feet~~
42 ~~above grade. The petitioner shall submit a dated~~
43 ~~photograph of all signs to the economic development~~
44 ~~department.~~

1
2 ~~(3) Petitioner shall execute a public hearing sign bond~~
3 ~~agreement acknowledging that the above sign shall be~~
4 ~~removed within two (2) business days following a final~~
5 ~~determination on the matter, or if said sign is not~~
6 ~~removed in two (2) days, that the petitioner, on behalf~~
7 ~~of the owners of the property, authorize the~~
8 ~~administration of the City of Margate to remove said~~
9 ~~sign, and forfeiting the bond fee.~~

10
11 ~~(4) In the event that a hearing as provided for in this~~
12 ~~section is continued, then petitioner is required within~~
13 ~~seventy-two (72) hours of the order of continuance to~~
14 ~~either:~~

15 (a)

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

18 (b)

19 ~~Amend time, place and date on the existing sign(s)~~
20 ~~such that it evidences the meeting as provided for~~
21 ~~by the order of continuance as determined by the~~
22 ~~tabling body.~~

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

30 . . .
31 **[Note to Municipal Code: The rest of this section shall**
32 **remain as codified.]**

33 **SECTION 24:** The Code of the City of Margate, Florida,
34 Appendix A Zoning, Article III General Provisions, Section
35 3.23.4 Minimum standards for development of new towers is
36 hereby amended to read as follows:

37 . . .
38 (h)

39 *Notice of public notification.* Notice of an application for
40 a conditional use permit shall be the same as provided for
41 in Section 31-55 sent via certified mail to all property
42 owners within a one-hundred-foot radius of the affected

1 property. The applicant shall pay a fee of two hundred
2 fifty dollars (\$250.00) as well as the cost of the
3 certified mailing.

4
5 [Note to Municipal Code: The rest of this section shall
6 remain as codified.]

7
8
9 **SECTION 25:** All ordinances or parts of ordinances in
10 conflict are repealed to the extent of such conflict.

11
12 **SECTION 26:** If any section, sentence, clause, or
13 phrase of this Ordinance is held to be invalid or
14 unconstitutional by a court of competent jurisdiction, then said
15 holding shall in no way affect the validity of the remaining
16 portions of this Ordinance.

17
18 **SECTION 27:** It is the intention of the City
19 Commission that the provisions of this Ordinance shall become
20 and be made a part of the City of Margate Code, and that the
21 sections of this Ordinance may be renumbered or relettered and
22 the word "ordinance" may be changed to "section", "article" or
23 such other appropriate word or phrase in order to accomplish
24 such intentions.

25
26 **SECTION 28:** This Ordinance shall become effective
27 immediately upon adoption at its second reading.

28
29 PASSED ON FIRST READING THIS ___ day of _____ 2017.

30
31 PASSED ON SECOND READING THIS ___ day of _____ 2017.

32
33 ATTEST:

34
35
36 _____
37 JOSEPH KAVANAGH
38 CITY CLERK

39
40 _____
41 MAYOR TOMMY RUZZANO

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