

CITY OF MARGATE, FLORIDA

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

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; ARTICLE VII TRANSIT ORIENTED CORRIDOR-CORRIDOR (TOC-C) DISTRICT, SECTION 7.3. TOC-C CORRIDOR PERMITTED USES; ARTICLE VIII TRANSIT ORIENTED CORRIDOR-GATEWAY (TOC-G) DISTRICT, SECTION 8.4. TOC-G GATEWAY PERMITTED USES; ARTICLE IX TRANSIT ORIENTED CORRIDOR-CITY CENTER (TOC-CC) DISTRICT, SECTION 9.5 TOC-CC CITY CENTER PERMITTED USES; ARTICLE XXI NEIGHBORHOOD BUSINESS B-1 DISTRICT, SECTION 21.3 PERMITTED USES; ARTICLE XXII COMMUNITY BUSINESS B-2 DISTRICT, SECTION 22.3 PERMITTED USES; ARTICLE XXIII LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3 PERMITTED USES; 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 Ordinances 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<sup>1</sup>:

Sec. 7.3. - TOC-C Corridor permitted uses.

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

<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 are changes between First and Second Readings.

Personal care services~~-,~~ except massage.

(B) *Special exception uses.* Special exception uses may be deemed appropriate to provide a complete distribution of commercial 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.

(o) Massage services.

~~(ep)~~ Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than two hundred fifty (250). Minimum separation of one thousand (1,000) feet to nearest school or adult bookstore/theater. Subject to limitations of section 33.11 of this Code.

~~(eq)~~ Outside sales, display, service, and/or storage. Outside sales, display, service, and/or storage with a permitted use are authorized upon a finding by the city commission that a special exception to this article is warranted. in addition, all areas not completely enclosed which are used for the storage or processing of raw materials must be effectively screened from view of the adjoining streets and parcels through the use of durable fence, wall or hedge, or combination thereof.

~~(er)~~ Pain management clinic, subject to limitations and requirements of Article XXX of this Code.

1 (~~s~~s) Promotional events that are accessory to a  
2 permitted use and temporary in nature shall be  
3 permitted after a finding by the Development  
4 Review Committee that such event meets the  
5 criteria as set forth in section 22.13 of this  
6 Code.

7 (~~s~~t) Public or private elementary, middle, or high  
8 school, subject to the following:

- 9 1. Schools shall not be located on roadways  
10 classified by Broward County Metropolitan  
11 Organization's Broward Highway Functional  
12 Classifications Map as arterial roadways.  
13 Access to schools shall not be from roadways  
14 classified by Broward County Metropolitan  
15 Organization's Broward County Highway  
16 Functional Classifications map as arterial  
17 roadways.
- 18 2. School must be located in freestanding single  
19 use structure(s), located on a parcel no small  
20 than the minimum size required by the School  
21 Board of Broward County for public schools. As  
22 an exception, charter schools may be permitted  
23 as an accessory use if located within an  
24 existing library, community service facility,  
25 museum, performing arts center, theatre,  
26 cinema, religious institution, Florida College  
27 System institution, college, or university  
28 facility, in accordance with F.S.  
29 1002.33(18) (C).
- 30 3. School must provide a student drop off area  
31 for motorists that is dedicated to student  
32 drop off activities and will not interfere  
33 with onsite parking or roadways adjacent to  
34 the school. The appropriate length and  
35 dimensions of the drop off area shall be  
36 identified in a traffic study prepared by a  
37 professional engineer licensed in the State of  
38 Florida.
- 39 4. In order to allow sufficient time to secure  
40 required development order, building permit,  
41 and local business tax receipt approval, a  
42 special exception use application and fee must  
43 be filed with the Economic Development  
44 Department at least nine (9) months before the  
45 start of the school year. This time  
46 requirement cannot be waived or reduced.

(~~t~~u) Restaurants with curb or automobile service. Such approval shall also be subject to the following restrictions:

1. Subject property shall be located a minimum of seven hundred fifty (750) feet from one-family dwelling districts; such distance shall be measured from front door of the establishment to the single-family property line; and
2. All applicable city codes and regulations must be complied with as of the time of application.

(~~u~~v) Theater, outdoor. Subject to requirements of section 33.11 of this Code.

(~~v~~w) Vehicle sales agency. Not permitted within one hundred (100) feet of any residential district or use.

(~~w~~x) Vehicle rental business.

(~~x~~y) Walkway cafes greater than four hundred (400) square feet in area, subject to the criteria and limitations in section 22.3(B) of this Code.

. . .

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

**SECTION 2:** The Code of Ordinances 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:

Sec. 8.4. - TOC-G Gateway permitted uses.

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

. . .

Personal care services~~-,~~ except massage.

. . .

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

- 11  
12 (1) The following uses are authorized upon a finding by  
13 the City Commission that a special exception to the  
14 article is warranted, pursuant to the procedure and  
15 criteria set forth in sections 22.9 through 22.12 of  
16 this Code.

17  
18 . . .

19  
20 (i) Massage services.

21 (~~j~~) Night clubs, teen clubs, catering halls or dance  
22 halls, with an occupancy greater than two hundred  
23 fifty (250). Minimum separation of one thousand  
24 (1,000) feet to nearest school or adult  
25 bookstore/theater. Subject to limitations of  
26 section 33.11 of this Code.

27 (~~j~~k) Outside sales, display and/or service. Outside  
28 sales, display and/or service with a permitted  
29 use are authorized upon a finding by the city  
30 commission that a special exception to this  
31 article is warranted.

32 (~~k~~l) Promotional events that are accessory to a  
33 permitted use and temporary in nature shall be  
34 permitted after a finding by the development  
35 review committee that such event meets the  
36 criteria as set forth in section 22.13 of this  
37 Code.

38 (~~l~~m) Public or private elementary, middle or high  
39 school, subject to the following:

- 40 1. Schools shall not be located on roadways  
41 classified by Broward County Metropolitan  
42 Organization's Broward Highway Functional  
43 Classifications Map as arterial roadways.  
44 Access to schools shall not be from roadways  
45 classified by Broward County Metropolitan  
46 Organization's Broward County Highway

Functional Classifications map as arterial roadways.

2. School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18) (C).

3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

(~~n~~) Theater, outdoor. Subject to requirements of section 33.11 of this Code.

(~~o~~) Walkway cafes greater than four hundred (400) square feet in area, subject to the criteria and limitations in section 22.3(B) of this Code.

. . .

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

**SECTION 3:** The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article IX Transit Oriented Corridor-City Center (TOC-CC) District, Section 9.5

1 TOC-CC City Center permitted uses, is hereby amended to read  
2 as follows:

3  
4 Sec. 9.5. - TOC-CC City center permitted uses.

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

10  
11 . . .

12  
13 Personal care services, except massage.

14  
15 . . .

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

- 26  
27 (1) The following uses are authorized upon a finding by  
28 the City Commission that a special exception to the  
29 article is warranted, pursuant to the procedure and  
30 criteria set forth in sections 22.9 through 22.12 of  
31 this Code.

32  
33 . . .

34  
35 (f) Massage services.

- 36 (~~g~~) Nightclubs, teen clubs, catering halls or dance  
37 halls, with an occupant load of less than two  
38 hundred fifty (250) persons. Not permitted in any  
39 first-floor occupancy. Minimum separation of one  
40 thousand (1,000) feet to nearest church, school,  
41 or adult bookstore/theater. Subject to  
42 limitations of section 33.11 of this Code.

- 43 (~~g~~h) Outside sales, display and/or service. Outside  
44 sales, display and/or service with a permitted  
45 use are authorized upon a finding by the city

commission that a special exception to this article is warranted.

(~~h~~i) Promotional events that are accessory to a permitted use and temporary in nature shall be permitted after a finding by the development review committee that such event meets the criteria as set forth in section 22.13 of this Code.

(~~h~~j) Public or private elementary, middle, or high school, subject to the following:

1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.
2. School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18) (C).
3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.
4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the Economic Development Department at least nine (9) months before the



- 1 start of the school year. This time  
2 requirement cannot be waived or reduced.
- 3 (~~j~~k) Theater, outdoor. Subject to requirements of  
4 section 33.11 of this Code.
- 5 (~~k~~l) Walkway cafes greater than four hundred (400)  
6 square feet in area, subject to the criteria and  
7 limitations in subsection 22.3(B) of this Code.

8  
9 . . .  
10

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

13

14 **SECTION 4:** The Code of Ordinances of the City of  
15 Margate, Florida, Appendix-A Zoning, Article XXI Neighborhood  
16 Business B-1 District, Section 21.3 Permitted uses, is hereby  
17 amended to read as follows:

18

19 Sec. 21.3. - Permitted uses.

- 20
- 21 (A) *Permitted uses specified.* No building or structure,  
22 or part thereof, shall be erected, altered or used, or  
23 land or water used, in whole or in part, for other than  
24 one of the following specified uses:

25 . . .  
26  
27

28 Personal care services, except massage, subject to  
29 the following limitation(s):

- 30 (1) Body art studios are not permitted.
- 31 . . .  
32  
33

- 34 (B) *Special exception uses.* The following uses are  
35 authorized upon a finding by the City Commission that a  
36 special exception to the article is warranted. The City  
37 Commission shall consider all applications for a  
38 special exception approval pursuant to the procedure  
39 and criteria set forth in sections 22.9 through 22.12  
40 of this Code.

41

42 Animal clinic, pet hospital, subject to the  
43 following limitations:

- (1) Must be less than three thousand (3,000) square feet in area.
- (2) Adequate soundproofing in any area where animals are contained or treated.
- (3) All boarding activities shall be ancillary to the primary use.
- (4) Subject to the restrictions set forth in chapter 6 of the Margate Code of Ordinances.

Massage services.

Outdoor sales, service and display, as an accessory to a permitted use.

. . .

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

**SECTION 5:** The Code of Ordinances 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:

Sec. 22.3. - Permitted uses.

- (A) *Permitted uses specified.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than one of the following specified uses:

. . .

Personal care services, except massage, subject to the following limitation(s):

- (1) Body art studios are not permitted.

. . .

- (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.

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

Massage services.

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

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

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

**SECTION 6:** The Code of Ordinances 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:

Sec. 23.3. - Permitted uses.

- (A) *Permitted uses specified.* No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following specified uses:

Personal care services, except massage.

- (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.

Limousine service (three (3) or fewer vehicles,  
subject to the following limitation(s):  
(1) Proof of adequate parking facilities shall  
be demonstrated prior to approval.

Massage services.

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

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

. . .

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

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

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

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

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

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017.

ATTEST:

\_\_\_\_\_

MAYOR TOMMY RUZZANO

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

Caggiano	_____
Simone	_____
Peerman	_____
Schwartz	_____
Ruzzano	_____

RECORD OF VOTE - 1<sup>ST</sup> READING RECORD OF VOTE - 2<sup>ND</sup> READING

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