

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 MASSAGE SERVICES; 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 follows¹:

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.

¹CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscoring text are additions to

existing text, and shaded text are changes between First and Second Readings.

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.

(~~pg~~) 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.

- (~~e~~r) Pain management clinic, subject to limitations and requirements of Article XXX of this Code.
- (~~s~~s) 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.
- (~~s~~t) 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

start of the school year. This time
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.

(~~t~~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.

. . .

(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.
- . . .

(i) Massage services.

(~~i~~j) 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.

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

(~~k~~l) 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.

(~~l~~m) 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 start of the school year. This time requirement cannot be waived or reduced.

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

(~~n~~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

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

6 Sec. 9.5. - TOC-CC City center permitted uses.
7

- 8 (A) *[Permitted uses.]* No building or structure, or part
9 thereof, shall be erected, altered or used, or land or
10 water used, in whole or in part, for other than any of
11 the uses specified below.
12

13 . . .
14

15 Personal care services~~-,~~ except massage.
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17 . . .
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- 19 (B) *Special exception uses.* Special exception uses may
20 be deemed appropriate to provide a complete
21 distribution of commercial uses within the City, but
22 because of their operational characteristics or area
23 requirements need to be given individual consideration
24 with respect to their location, access and relationship
25 to adjacent properties and public rights-of-way, and
26 conformity with the City's current and future
27 redevelopment efforts.
28

- 29 (1) The following uses are authorized upon a finding by
30 the City Commission that a special exception to the
31 article is warranted, pursuant to the procedure and
32 criteria set forth in sections 22.9 through 22.12 of
33 this Code.
34

35 . . .
36

37 (f) Massage services.

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

- (~~g~~h) Outside sales, display and/or service. Outside sales, display and/or service with a permitted 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.
- (~~i~~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

1 be filed with the Economic Development
2 Department at least nine (9) months before the
3 start of the school year. This time
4 requirement cannot be waived or reduced.

5 (j~~k~~) Theater, outdoor. Subject to requirements of
6 section 33.11 of this Code.

7 (k~~l~~) Walkway cafes greater than four hundred (400)
8 square feet in area, subject to the criteria and
9 limitations in subsection 22.3(B) of this Code.

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

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

20
21 Sec. 21.3. - Permitted uses.

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

27
28 . . .
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30 Personal care services, except massage, subject to
31 the following limitation(s):

32 (1) Body art studios are not permitted.

33
34 . . .
35

36 (B) *Special exception uses.* The following uses are
37 authorized upon a finding by the City Commission that a
38 special exception to the article is warranted. The City
39 Commission shall consider all applications for a
40 special exception approval pursuant to the procedure
41 and criteria set forth in sections 22.9 through 22.12
42 of this Code.
43

Animal clinic, pet hospital, subject to the 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.

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4 Limousine service (three (3) or fewer vehicles,
5 subject to the following limitation(s):

- 6 (1) Proof of adequate parking facilities shall
7 be demonstrated prior to approval.

8 Massage services.

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

- 13 (1) Not permitted within one thousand (1,000)
14 feet of any church, school, or adult
15 bookstore/theater.
16
17 . . .

18
19 **[Note to Municipal Code: The rest of this section shall remain**
20 **as codified.]**
21

22 **SECTION 7:** All ordinances or parts of ordinances
23 in conflict herewith are and the same is hereby repealed to
24 the extent of such conflict.
25

26 **SECTION 8:** If any section, sentence, clause, or
27 phrase of this ordinance is held to be invalid or
28 unconstitutional by a court of competent jurisdiction, then
29 said holding shall in no way affect the validity of the
30 remaining portions of this ordinance.
31

32 **SECTION 9:** It is the intention of the City
33 Commission that the provisions of this ordinance shall become
34 and be made a part of the City of Margate Code, and that the
35 sections of this ordinance may be renumbered or relettered
36 and the word "ordinance" may be changed to "section",
37 "article" or such other appropriate word or phrase in order
38 to accomplish such intentions.
39

40 **SECTION 10:** This ordinance shall become effective
41 immediately upon adoption at its second reading.
42

43 PASSED ON FIRST READING THIS _____ DAY OF _____ 2017.

44 PASSED ON SECOND READING THIS _____ DAY OF _____ 2017.

45 ATTEST:

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JOSEPH J. KAVANAGH
CITY CLERK

MAYOR TOMMY RUZZANO

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

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____