1 2 CITY OF MARGATE, FLORIDA 3 4 ORDINANCE NO. 5 6 AN ORDINANCE OF THE CITY OF MARGATE, 7 FLORIDA, AMENDING APPENDIX-A ZONING; 8 ARTICLE VII TRANSIT ORIENTED CORRIDOR-9 CORRIDOR (TOC-C) DISTRICT, SECTION 7.3. 10 TOC-C CORRIDOR PERMITTED USES; ARTICLE 11 VIII TRANSIT ORIENTED CORRIDOR-GATEWAY 12 (TOC-G) DISTRICT, SECTION 8.4. TOC-G 13 PERMITTED USES; ARTICLE GATEWAY IΧ 14 TRANSIT ORIENTED CORRIDOR-CITY CENTER 15 (TOC-CC) DISTRICT, SECTION 9.5 TOC-CC CITY CENTER PERMITTED USES; ARTICLE XXI 16 17 NEIGHBORHOOD BUSINESS B-1 DISTRICT, SECTION 21.3 PERMITTED USES; ARTICLE 18 19 XXII COMMUNITY BUSINESS B-2 DISTRICT, 20 SECTION 22.3 PERMITTED USES; ARTICLE 21 XXIII LIBERAL BUSINESS B-3 DISTRICT, 22 SECTION 23.3 PERMITTED USES; PROVIDING 23 FOR MASSAGE SERVICES; PROVIDING FOR 24 SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE 25 26 DATE. 27 28 29 BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF 30 MARGATE, FLORIDA: 31 32 **SECTION 1**: The Code of Ordinances of the City of 33 Margate, Florida, Appendix-A Zoning, Article VII Transit Oriented Corridor-Corridor (TOC-C) District, Section 7.3 TOC-34 35 C Corridor permitted uses, is hereby amended to read as 36 follows¹: 37 38 Sec. 7.3. - TOC-C Corridor permitted uses. 39 40 (A) [Permitted uses.] No building or structure, or part 41 thereof, shall be erected, altered or used, or land or 42 water used, in whole or in part, for other than any of 43 the uses specified below. 44 45 ¹CODING: Words in struck through text are deletions from 46 existing text, words in underscored text are additions to

1 existing text, and shaded text are changes between First and 2 Second Readings. 3 4 . . 5 6 Personal care services -, except massage. 7 8 • • 9 10 Special exception uses. Special exception uses may be (B) deemed appropriate to provide a complete distribution of 11 commercial uses within the City, but because of their 12 13 operational characteristics or area requirements need to 14 be given individual consideration with respect to their location, access and relationship to adjacent properties 15 and public rights-of-way, and conformity with the City's 16 current and future redevelopment efforts. 17 18 19 The following uses are authorized upon a finding by (1)20 the City Commission that a special exception to the 21 article is warranted, pursuant to the procedure and criteria set forth in sections 22.9 through 22.12 of 22 23 this Code. 24 25 . . . 26 27 (o) Massage services. 28 (op) Night clubs, teen clubs, catering halls or dance 29 halls, with an occupancy greater than two hundred 30 fifty (250). Minimum separation of one thousand (1,000) feet to nearest school or adult 31 bookstore/theater. Subject to limitations of 32 section 33.11 of this Code. 33 34 (pq) Outside sales, display, service, and/or storage. Outside sales, display, service, and/or storage 35 with a permitted use are authorized upon a 36 37 finding by the city commission that a special exception to this article is warranted. in 38 addition, all areas not completely enclosed which 39 40 are used for the storage or processing of raw materials must be effectively screened from view 41 42 of the adjoining streets and parcels through the 43 use of durable fence, wall or hedge, or 44 combination thereof.

1	(<u>qr</u>)	Pain management clinic, subject to limitations
2		and requirements of Article XXX of this Code.
3 4	(<u>+s</u>)	Promotional events that are accessory to a permitted use and temporary in nature shall be
5		permitted after a finding by the Development
6		Review Committee that such event meets the
7		criteria as set forth in section 22.13 of this
8		Code.
9	(<u>st</u>)	Public or private elementary, middle, or high
10 11		school, subject to the following:
12		 Schools shall not be located on roadways classified by Broward County Metropolitan
13		Organization's Broward Highway Functional
14		Classifications Map as arterial roadways.
15		Access to schools shall not be from roadways
16 17		classified by Broward County Metropolitan Organization's Broward County Highway
18		Functional Classifications map as arterial
19		roadways.
20		2. School must be located in freestanding single
21		use structure(s), located on a parcel no small
22 23		than the minimum size required by the School
23 24		Board of Broward County for public schools. As an exception, charter schools may be permitted
25		as an accessory use if located within an
26		existing library, community service facility,
27		museum, performing arts center, theatre,
28 29		cinema, religious institution, Florida College System institution, college, or university
30		facility, in accordance with F.S.
31		1002.33(18)(C).
32		3. School must provide a student drop off area
33		for motorists that is dedicated to student
34 35		drop off activities and will not interfere with onsite parking or roadways adjacent to
36		the school. The appropriate length and
37		dimensions of the drop off area shall be
38		identified in a traffic study prepared by a
39 40		professional engineer licensed in the State of Florida.
40 41		4. In order to allow sufficient time to secure
41		required development order, building permit,
43		and local business tax receipt approval, a
44		special exception use application and fee must
45 46		be filed with the Economic Development
46		Department at least nine (9) months before the

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		start of the school year. This time
2		requirement cannot be waived or reduced.
3	(t <u>u</u>)	Restaurants with curb or automobile service. Such
4 5		approval shall also be subject to the following restrictions:
6		1. Subject property shall be located a minimum of
7		seven hundred fifty (750) feet from one-family
8		dwelling districts; such distance shall be
9		measured from front door of the establishment
10		to the single-family property line; and
11		2. All applicable city codes and regulations must
12		be complied with as of the time of
13	(application.
14 15	(<u>uv</u>)	Theater, outdoor. Subject to requirements of section 33.11 of this Code.
16	(v w)	
17	(• <u>•</u>)	hundred (100) feet of any residential district or
18		use.
19	$(\underline{w}\underline{x})$	Vehicle rental business.
20	(<u>*y</u>)	Walkway cafes greater than four hundred (400)
21		square feet in area, subject to the criteria and
22		limitations in section 22.3(B) of this Code.
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26	[Note	to Municipal Code: The rest of this section shall
26 27	[Note remain as	e to Municipal Code: The rest of this section shall codified.]
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27 28 29	remain as o <u>SECT</u> :	codified.]
27 28 29 30	remain as <u>SECT</u> Margate, F	codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit
27 28 29 30 31	remain as <u>SECT</u> Margate, Fi Oriented Co	Codified.] ION 2 : The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G
27 28 29 30 31 32	remain as <u>SECT</u> Margate, Fi Oriented Co	codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit
27 28 29 30 31	remain as o <u>SECT</u> Margate, F Oriented Co Gateway per	Codified.] ION 2 : The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G
27 28 29 30 31 32 33 34 35	remain as a SECT: Margate, F: Oriented Co Gateway per Sec. 8.4 TOO	codified.] <u>ION 2</u> : The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G mitted uses, is hereby amended to read as follows: C-G Gateway permitted uses.
 27 28 29 30 31 32 33 34 35 36 	remain as a SECT: Margate, F: Oriented Co Gateway per Sec. 8.4 TOO (A) [Perm	<pre>codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G mitted uses, is hereby amended to read as follows: C-G Gateway permitted uses. mitted uses.] No building or structure, or part</pre>
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 27 28 29 30 31 32 33 34 35 36 37 38 39 40 	remain as o <u>SECT</u> : Margate, F: Oriented Co Gateway performed Sec. 8.4 TOO (A) [Performed thereof water to	<pre>codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G mitted uses, is hereby amended to read as follows: C-G Gateway permitted uses. mitted uses.] No building or structure, or part f, shall be erected, altered or used, or land or used, in whole or in part, for other than any of</pre>
 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 	remain as a <u>SECT</u> : Margate, F: Oriented Co Gateway performed Sec. 8.4 TOO (A) [Performed thereof water u the use	<pre>codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G mitted uses, is hereby amended to read as follows: C-G Gateway permitted uses. mitted uses.] No building or structure, or part f, shall be erected, altered or used, or land or used, in whole or in part, for other than any of</pre>
 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 	remain as a <u>SECT</u> : Margate, F: Oriented Co Gateway performed Sec. 8.4 TOO (A) [Performed thereof water u the use	<pre>codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G mitted uses, is hereby amended to read as follows: C-G Gateway permitted uses. mitted uses.] No building or structure, or part and or used, or land or used, in whole or in part, for other than any of es specified below.</pre>
 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 	remain as a <u>SECT</u> : Margate, F: Oriented Co Gateway performed Sec. 8.4 TOO (A) [Performed thereof water u the use	<pre>codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G mitted uses, is hereby amended to read as follows: C-G Gateway permitted uses. mitted uses.] No building or structure, or part and or used, or land or used, in whole or in part, for other than any of es specified below.</pre>
 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 	remain as a <u>SECT</u> : Margate, F: Oriented Co Gateway performed Sec. 8.4 TOO (A) [Performed thereof water u the use	<pre>codified.] ION 2: The Code of Ordinances of the City of lorida, Appendix-A Zoning, Article VIII Transit rridor-Gateway (TOC-G) District, Section 8.4 TOC-G mitted uses, is hereby amended to read as follows: C-G Gateway permitted uses. mitted uses.] No building or structure, or part and or used, or land or used, in whole or in part, for other than any of es specified below.</pre>

(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.

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- (±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.
- (jk) 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.
- (<u>k1</u>) 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.
- - 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

$\begin{array}{c}1\\2\\3\\4\\5\\6\\7\\8\\9\\10\\11\\12\\13\\14\\15\\16\\17\\18\\9\\21\\22\\23\\24\\25\\26\\27\\28\\29\\30\\\end{array}$	 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
31 32	Department at least nine (9) months before the start of the school year. This time
33 34	requirement cannot be waived or reduced. (mn) Theater, outdoor. Subject to requirements of
35	section 33.11 of this Code.
36 27	(n o) Walkway cafes greater than four hundred (400)
37 38	square feet in area, subject to the criteria and limitations in section 22.3(B) of this Code.
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42 43	[Note to Municipal Code: The rest of this section shall remain as codified.]
44 45	SECTION 3 : The Code of Ordinances of the City of
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1 Margate, Florida, Appendix-A Zoning, Article IX Transit Oriented Corridor-City Center (TOC-CC) District, Section 9.5 2 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 [Permitted uses.] No building or structure, or part (A) thereof, shall be erected, altered or used, or land or 9 water used, in whole or in part, for other than any of 10 11 the uses specified below. 12 13 . . . 14 15 Personal care services-, except massage. 16 17 . . . 18 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 to adjacent properties and public rights-of-way, and 25 26 conformity with the City's current and future 27 redevelopment efforts. 28 29 The following uses are authorized upon a finding by (1)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 this Code. 33 34 35 . . . 36 37 (f) Massage services. 38 (fg) Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than two 39 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 limitations of section 33.11 of this Code. 44

1 (qh) Outside sales, display and/or service. Outside 2 sales, display and/or service with a permitted 3 use are authorized upon a finding by the city 4 commission that a special exception to this 5 article is warranted. 6 (hi) Promotional events that are accessory to a 7 permitted use and temporary in nature shall be 8 permitted after a finding by the development 9 review committee that such event meets the 10 criteria as set forth in section 22.13 of this 11 Code. 12 (ij) Public or private elementary, middle, or high 13 school, subject to the following: 14 1. Schools shall not be located on roadways 15 classified by Broward County Metropolitan 16 Organization's Broward Highway Functional 17 Classifications Map as arterial roadways. Access to schools shall not be from roadways 18 19 classified by Broward County Metropolitan 20 Organization's Broward County Highway 21 Functional Classifications map as arterial 22 roadways. 23 2. School must be located in freestanding single 24 use structure(s), located on a parcel no small 25 than the minimum size required by the School 26 Board of Broward County for public schools. As 27 an exception, charter schools may be permitted 28 as an accessory use if located within an 29 existing library, community service facility, 30 museum, performing arts center, theatre, cinema, religious institution, Florida College 31 32 System institution, college, or university 33 facility, in accordance with F.S. 34 1002.33(18)(C). 35 3. School must provide a student drop off area 36 for motorists that is dedicated to student drop off activities and will not interfere 37 38 with onsite parking or roadways adjacent to 39 the school. The appropriate length and 40 dimensions of the drop off area shall be identified in a traffic study prepared by a 41 42 professional engineer licensed in the State of 43 Florida. 44 4. In order to allow sufficient time to secure 45 required development order, building permit, 46 and local business tax receipt approval, a 47 special exception use application and fee must

	<pre>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. (<u>jk</u>) Theater, outdoor. Subject to requirements of section 33.11 of this Code. (k1) Walkway cafes greater than four hundred (400)</pre>		
	square feet in area, subject to the criteria and		
	limitations in subsection 22.3(B) of this Code.		
re	[Note to Municipal Code: The rest of this section shall main as codified.]		
SECTION 4 : The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article XXI Neighborhood Business B-1 District, Section 21.3 Permitted uses, is hereby amended to read as follows:			
Sec. 21.3 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, <u>except massage</u> , subject to the following limitation(s):		
	(1) Body art studios are not permitted.		
	(maginal exception wasse The fallering wasse and		
(8)	Special exception uses. The following uses are authorized upon a finding by the City Commission that a special exception to the article is warranted. The City Commission shall consider all applications for a special exception approval pursuant to the procedure and criteria set forth in sections 22.9 through 22.12 of this Code.		
	Marc Busi amer Sec. 21		

1 Animal clinic, pet hospital, subject to the following limitations: 2 (1) Must be less than three thousand (3,000) 3 4 square feet in area. 5 Adequate soundproofing in any area where (2) 6 animals are contained or treated. 7 All boarding activities shall be ancillary (3) 8 to the primary use. 9 (4) Subject to the restrictions set forth in 10 chapter 6 of the Margate Code of 11 Ordinances. 12 Massage services. 13 Outdoor sales, service and display, as an accessory 14 to a permitted use. 15 16 . . . 17 18 [Note to Municipal Code: The rest of this section shall remain 19 as codified.] 20 21 SECTION 5: The Code of Ordinances of the City of 22 Margate, Florida, Appendix-A Zoning, Article XXII Community 23 Business B-2 District, Section 22.3 Permitted uses, is hereby 24 amended to read as follows: 25 Sec. 22.3. - Permitted uses. 26 27 28 (A) Permitted uses specified. No building or structure, 29 or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for 30 other than one of the following specified uses: 31 32 33 • • • 34 35 Personal care services, except massage, subject to 36 the following limitation(s): 37 (1) Body art studios are not permitted. 38 39 • • • 40 41 (B) Special exception uses. The following uses are 42 authorized upon a finding by the City Commission 43 that a special exception to the article is 44 warranted, pursuant to the procedure and criteria

1 set forth in sections 22.9 through 22.12 of this 2 Code. 3 4 . . . 5 6 Laundries, coin-operated (extended hours of 7 operation). 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 bookstore/theater. 15 16 17 18 19 [Note to Municipal Code: The rest of this section shall remain 20 as codified.] 21 22 SECTION 6: The Code of Ordinances of the City of 23 Margate, Florida, Appendix-A Zoning, Article XXIII Liberal 24 Business B-3 District, Section 23.3 Permitted uses, is hereby 25 amended to read as follows: 26 27 Sec. 23.3. - Permitted uses. 28 29 Permitted uses specified. No building or structure, (A)30 or part thereof, shall be erected, altered or used, 31 or land or water used, in whole or in part, for 32 other than the following specified uses: 33 34 . . . 35 36 Personal care services., except massage. 37 38 • • • 39 40 Special exception uses. The following uses are (B)41 authorized upon a finding by the city commission 42 that a special exception to the article is 43 warranted, pursuant to the procedure and criteria 44 set forth in sections 22.9 through 22.12 of this 45 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,

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41 42 **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.

43 PASSED ON FIRST READING THIS _____ DAY OF _____ 2017.
44 PASSED ON SECOND READING THIS _____ DAY OF _____ 2017.
45 ATTEST:

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3	JOSEPH J. KAVANAGH MAYOR TOMMY RUZZANO
4	CITY CLERK
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7	RECORD OF VOTE – 1^{ST} READING RECORD OF VOTE – 2^{ND} READING
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9	Caggiano Caggiano
10	Simone Simone
11	Peerman Peerman
12	Schwartz Schwartz
13	Ruzzano Ruzzano
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