

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 MESSAGE 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.

¹ CODING: 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.

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

16 (1) The following uses are authorized upon a finding by
17 the City Commission that a special exception to the
18 article is warranted, pursuant to the procedure and
19 criteria set forth in sections 22.9 through 22.12 of
20 this Code.
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22 . . .
23
24 (o) Massage services.

25 (~~ep~~) Night clubs, teen clubs, catering halls or dance
26 halls, with an occupancy greater than two hundred
27 fifty (250). Minimum separation of one thousand
28 (1,000) feet to nearest school or adult
29 bookstore/theater. Subject to limitations of
30 section 33.11 of this Code.

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

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

44 (~~es~~) Promotional events that are accessory to a
45 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 distribution of commercial uses within the City, but
2 because of their operational characteristics or area
3 requirements need to be given individual consideration
4 with respect to their location, access and relationship
5 to adjacent properties and public rights-of-way, and
6 conformity with the City's current and future
7 redevelopment efforts.

- 8
9 (1) The following uses are authorized upon a finding by
10 the City Commission that a special exception to the
11 article is warranted, pursuant to the procedure and
12 criteria set forth in sections 22.9 through 22.12 of
13 this Code.

14
15 . . .

16
17 (i) Massage services.

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

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

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

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

- 37 1. Schools shall not be located on roadways
38 classified by Broward County Metropolitan
39 Organization's Broward Highway Functional
40 Classifications Map as arterial roadways.
41 Access to schools shall not be from roadways
42 classified by Broward County Metropolitan
43 Organization's Broward County Highway
44 Functional Classifications map as arterial
45 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 TOC-CC City Center permitted uses, is hereby amended to read as follows:

1 Sec. 9.5. - TOC-CC City center permitted uses.

- 2
3 (A) [Permitted uses.] No building or structure, or part
4 thereof, shall be erected, altered or used, or land or
5 water used, in whole or in part, for other than any of
6 the uses specified below.

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8 . . .

9
10 Personal care services-, except massage.

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12 . . .

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

- 23
24 (1) The following uses are authorized upon a finding by
25 the City Commission that a special exception to the
26 article is warranted, pursuant to the procedure and
27 criteria set forth in sections 22.9 through 22.12 of
28 this Code.

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30 . . .

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32 (f) Massage services.

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

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

1 (~~h~~i) 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 (~~h~~j) 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.

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

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

. . .

[Note to Municipal Code: The rest of this section shall remain 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, 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. 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.

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.

. . .

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 are 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 18TH DAY OF OCTOBER, 2017.

PASSED ON SECOND READING THIS _____ DAY OF _____ 2017.

ATTEST:

JOSEPH J. KAVANAGH

MAYOR TOMMY RUZZANO

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CITY CLERK

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

Caggiano	_____	Caggiano	_____
Simone	_____	Simone	_____
Peerman	_____	Peerman	_____
Schwartz	_____	Schwartz	_____
Ruzzano	_____	Ruzzano	_____