

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 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.

. . .  
Message services, permitted as accessory use only  
within an approved medical office or physical  
therapy office.

Mail-plus services.

Medical office. Not including correctional or mental,  
nor institutions for care of drug or liquor  
patients.

Merchant, retail.

Municipal buildings, parks, playgrounds.

Museum.

Music, instruction (indoors and soundproofed only).

Nightclubs, teen clubs, catering halls or dance halls,  
with an occupant load of less than two hundred fifty  
(250) persons. 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.

Package store. Not permitted within one thousand five  
hundred (1,500) feet of any other package store.  
Subject to requirements of section 33.11 of this  
Code.

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.

(~~es~~) 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.

(~~st~~) 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.
- (~~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.
- (~~v~~) Theater, outdoor. Subject to requirements of section 33.11 of this Code.
- (~~w~~) Vehicle sales agency. Not permitted within one hundred (100) feet of any residential district or use.
- (~~x~~) Vehicle rental business.

(\*) 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.

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

Mail-plus services.

Medical office; not more than five (5) physicians. Not including correctional or mental, nor institutions for care of drug or liquor patients.

Merchant, retail.

Municipal buildings, parks, playgrounds.

Museum.

Music, instruction (indoors and soundproofed only).

Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than two hundred fifty

(250) persons. 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.

Package store. Not permitted within one thousand five hundred (1,500) feet of any other package store. Subject to requirements of section 33.11 of this Code.

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.

(~~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~~) 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.

1           (~~k~~l) 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           (~~l~~m) 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.

(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:

Sec. 9.5. - TOC-CC City center 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.

. . .

Massage services, permitted as accessory use only within an approved medical office or physical therapy office.

Mail-plus services.

Medical office; not more than five (5) physicians. Not including correctional or mental, nor institutions for care of drug or liquor patients.

Merchant, retail.

Municipal buildings, parks, playgrounds.

Museum.

Music, instruction (indoors and soundproofed only).



Package store. Not permitted within on thousand five hundred (1,500) feet of any other package store. Subject to requirements of section 33.11 of this Code.

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.

. . .

(f) Massage services.

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

~~(gh)~~ 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.

~~(hi)~~ 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.

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

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

(~~k~~l) 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:

Message services, permitted as accessory use only within an approved medical office or physical therapy office.

Mail-plus service (less than one thousand five hundred (1,500) square feet).

Medical office, subject to the following limitations:

(1) Less than three (3) physicians.

(2) Nor including correctional and mental, nor institutions for care of drug or liquor patients, nor veterinary hospitals.

Merchant, retail, subject to the limitations in section 21.5.

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

(1) Body art studios are not permitted.

1  
2 . . .  
3  
4 (B) *Special exception uses.* The following uses are  
5 authorized upon a finding by the City Commission that a  
6 special exception to the article is warranted. The City  
7 Commission shall consider all applications for a  
8 special exception approval pursuant to the procedure  
9 and criteria set forth in sections 22.9 through 22.12  
10 of this Code.

11  
12 Animal clinic, pet hospital, subject to the  
13 following limitations:

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

23 Massage services.

24 Outdoor sales, service and display, as an accessory  
25 to a permitted use.  
26  
27 . . .

28  
29 **[Note to Municipal Code: The rest of this section shall remain**  
30 **as codified.]**  
31

32 **SECTION 5:** The Code of Ordinances of the City of  
33 Margate, Florida, Appendix-A Zoning, Article XXII Community  
34 Business B-2 District, Section 22.3 Permitted uses, is hereby  
35 amended to read as follows:  
36

37 Sec. 22.3. - Permitted uses.  
38

39 (A) *Permitted uses specified.* No building or structure,  
40 or part thereof, shall be erected, altered or used,  
41 or land or water used, in whole or in part, for  
42 other than one of the following specified uses:  
43  
44 . . .  
45

1                   Massage services, permitted as accessory use only  
2                   within an approved medical office or physical  
3                   therapy office.

4  
5                   Mail-plus service.

6  
7                   Medical office, subject to the following  
8                   limitation(s):

9                   (1) Less than three (3) physicians.

10                  (2) Not including correctional and mental, nor  
11                  institutions for care of drug or liquor  
12                  patients, nor veterinary hospitals. May have a  
13                  magnetic resonance imaging (MRI) unit as  
14                  accessory.

15  
16                  Medical supply rentals.

17  
18                  Merchant, retail, subject to the limitations in  
19                  Section 22.5.

20  
21                  Museum.

22  
23                  Municipal buildings, parks, playgrounds.

24  
25                  Music, instruction, subject to the following  
26                  limitation(s):

27                  (1) Soundproofing required.

28  
29                  Nightclubs, teen clubs, catering halls or dance  
30                  halls, with an occupancy load of less than two  
31                  hundred fifty (250) persons, subject to the  
32                  following limitation(s):

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

36  
37                  Music, instruction (soundproofed only).

38  
39                  Nightclubs, teen clubs, catering halls or dance  
40                  halls, with an occupant load of less than two  
41                  hundred fifty (250) persons.  
42

Package store, subject to the following limitation(s):

- (1) Not permitted within one thousand five hundred (1,500) feet of any other package store.

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.

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

5  
6 . . .

7  
8  
9  
10 Massage services, permitted as accessory use only  
11 within an approved medical office or physical  
12 therapy office.

13  
14 Medical office, subject to the following  
15 limitations(s):

16 (1) Not including correctional or mental, nor  
17 institutions for care of drug or liquor  
18 patients. May have a magnetic resonance  
19 imaging (MRI) unit as an accessory.

20  
21 Medical supply rentals.

22  
23 Merchant, retail, subject to the limitations in  
24 section 23.5.

25  
26 Municipal buildings, parks, playgrounds.

27  
28 Museum.

29  
30 Music, instruction, subject to the following  
31 limitation(s):

32  
33 Nightclubs, teen clubs, catering halls or dance  
34 halls, with an occupant load of less than two  
35 hundred fifty (250) persons, subject to the  
36 following limitation(s):

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

40  
41 Package store, subject to the following  
42 limitation(s):

1 (1) Not permitted within one thousand five  
2 hundred (1,500) feet of any other package  
3 store.  
4

5 Personal care services~~-,~~ except massage.  
6  
7 . . .  
8

9 (B) *Special exception uses.* The following uses are  
10 authorized upon a finding by the city commission  
11 that a special exception to the article is  
12 warranted, pursuant to the procedure and criteria  
13 set forth in sections 22.9 through 22.12 of this  
14 Code.  
15  
16 . . .  
17

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

20 (1) Proof of adequate parking facilities shall  
21 be demonstrated prior to approval.

22 Massage services.

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

27 (1) Not permitted within one thousand (1,000)  
28 feet of any church, school, or adult  
29 bookstore/theater.  
30  
31 . . .  
32

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

36 **SECTION 7:** All ordinances or parts of ordinances  
37 in conflict are repealed to the extent of such conflict.  
38

39 **SECTION 8:** If any section, sentence, clause, or  
40 phrase of this Ordinance is held to be invalid or  
41 unconstitutional by a court of competent jurisdiction, then  
42 said holding shall in no way affect the validity of the  
43 remaining portions of this Ordinance.  
44  
45



**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 18<sup>TH</sup> DAY OF OCTOBER, 2017.

PASSED ON SECOND READING THIS 1<sup>ST</sup> DAY OF NOVEMBER, 2017.

ATTEST:

\_\_\_\_\_  
JOSEPH J. KAVANAGH  
CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

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

Caggiano	<u>YES</u>
Simone	<u>YES</u>
Peerman	<u>ABSENT</u>
Schwartz	<u>YES</u>
Ruzzano	<u>YES</u>

Caggiano	_____
Simone	_____
Peerman	_____
Schwartz	_____
Ruzzano	_____