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; ARTICLE VII TRANSIT ORIENTED CORRIDOR-8 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 GATEWAY PERMITTED USES; ARTICLE 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 в-1 DISTRICT, 18 SECTION 21.3 PERMITTED USES; ARTICLE 19 XXII COMMUNITY BUSINESS B-2 DISTRICT, 20 22.3 PERMITTED USES; ARTICLE SECTION 21 XXIII LIBERAL BUSINESS B-3 DISTRICT, 22 SECTION 23.3 PERMITTED USES; PROVIDING 23 MASSAGE SERVICES; FOR PROVIDING FOR 24 SEVERABILITY; PROVIDING FOR 25 CODIFICATION; PROVIDING FOR AN EFFECTIVE 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 Sec. 7.3. - TOC-C Corridor permitted uses. 38 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 ¹ CODING: Words in struck through text are deletions from existing 46 text, words in underscored text are additions to existing text, and 47 shaded text are changes between First and Second Readings.

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3		Massage services, permitted as accessory use only
4 5		within an approved medical office or physical therapy office.
6		cherapy office.
7		Mail-plus services.
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9		Medical office. Not including correctional or mental,
10		nor institutions for care of drug or liquor
11		patients.
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13 14		Merchant, retail.
14		Municipal buildings, parks, playgrounds.
16		namoipai bailaingo, paino, piajgibanab.
17		Museum.
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19		Music, instruction (indoors and soundproofed only).
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21 22		Nightclubs, teen clubs, catering halls or dance halls,
22 23		with an occupant load of less than two hundred fifty (250) persons. 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 28		Package store. Not permitted within on thousand five
20 29		hundred (1,500) feet of any other package store.
30		Subject to requirements of section 33.11 of this
31		Code.
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33 34		Personal care services $ au$, except massage.
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37	(B)	Special exception uses. Special exception uses may be
38		deemed appropriate to provide a complete distribution of
39 40		commercial uses within the City, but because of their operational characteristics or area requirements need to
40 41		be given individual consideration with respect to their
42		location, access and relationship to adjacent properties
43		and public rights-of-way, and conformity with the City's
44		current and future redevelopment efforts.

1 2 The following uses are authorized upon a finding by (1)3 the City Commission that a special exception to the 4 article is warranted, pursuant to the procedure and 5 criteria set forth in sections 22.9 through 22.12 of 6 this Code. 7 8 9 10 (\circ) Massage services. 11 (op) Night clubs, teen clubs, catering halls or dance 12 halls, with an occupancy greater than two hundred 13 fifty (250). Minimum separation of one thousand 14 (1,000)feet to nearest school or adult bookstore/theater. Subject 15 to limitations of 16 section 33.11 of this Code. 17 (pq) Outside sales, display, service, and/or storage. 18 Outside sales, display, service, and/or storage 19 with a permitted use are authorized upon a 20 finding by the city commission that a special 21 exception to this article is warranted. in 22 addition, all areas not completely enclosed which 23 are used for the storage or processing of raw 24 materials must be effectively screened from view 25 of the adjoining streets and parcels through the 26 use of durable fence, wall or hedge, or combination thereof. 27 28 (qr) Pain management clinic, subject to limitations 29 and requirements of Article XXX of this Code. 30 Promotional events that are accessory to a (rs) 31 permitted use and temporary in nature shall be 32 permitted after a finding by the Development 33 Review Committee that such event meets the criteria as set forth in section 22.13 of this 34 35 Code. 36 (st) Public or private elementary, middle, or high school, subject to the following: 37 38 1. Schools shall not be located on roadways 39 classified by Broward County Metropolitan 40 Organization's Highway Broward Functional 41 Classifications Map as arterial roadways. 42 Access to schools shall not be from roadways 43 classified by Broward County Metropolitan 44 Organization's Broward County Highway 45 Functional Classifications map as arterial 46 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 an accessory use if located within an as existing library, community service facility, performing arts center, theatre, museum, cinema, religious institution, Florida College System institution, college, or university accordance facility, in with F.S. 1002.33(18)(C).

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- 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.
- (tu) Restaurants with curb or automobile service. Such approval shall also be subject to the following restrictions:
 - 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.
- (uv) 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.
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1 (xy) Walkway cafes greater than four hundred (400) 2 square feet in area, subject to the criteria and 3 limitations in section 22.3(B) of this Code. 4 5 • • • 6 7 [Note to Municipal Code: The rest of this section shall 8 remain as codified.] 9 10 SECTION 2: The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article VIII Transit 11 12 Oriented Corridor-Gateway (TOC-G) District, Section 8.4 TOC-G 13 Gateway permitted uses, is hereby amended to read as follows: 14 15 Sec. 8.4. - TOC-G Gateway permitted uses. 16 17 [Permitted uses.] No building or structure, or part (A) 18 thereof, shall be erected, altered or used, or land or 19 water used, in whole or in part, for other than any of 20 the uses specified below. 21 22 • • • 23 24 Massage services, permitted as accessory use only 25 within an approved medical office or physical 26 therapy office. 27 28 Mail-plus services. 29 30 Medical office; not more than five (5) physicians. 31 including correctional or Not mental, nor institutions for care of drug or liquor patients. 32 33 34 Merchant, retail. 35 36 Municipal buildings, parks, playgrounds. 37 38 Museum. 39 40 Music, instruction (indoors and soundproofed only). 41 42 Nightclubs, teen clubs, catering halls or dance halls, 43 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 on thousand five hundred (1,500) feet of any other package store. Subject to requirements of section 33.11 of this Code.

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Personal care services-, except massage.

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- (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.

- (ij) 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.

(+1) Promotional events that are accessory to a 1 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 Public or private elementary, middle or high (1m) 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 as an accessory use if located within an 23 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 accordance facility, in with F.S. 1002.33(18)(C). 29 30 3. School must provide a student drop off area for motorists that is dedicated to student 31 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 identified in a traffic study prepared by a 36 37 professional engineer licensed in the State of Florida. 38 4. In order to allow sufficient time to secure 39 40 required development order, building permit, 41 and local business tax receipt approval, a 42 special exception use application and fee must 43 filed with the Economic Development be 44 Department at least nine (9) months before the 45 school start of the vear. This time 46 requirement cannot be waived or reduced.

(mn) Theater, outdoor. Subject to requirements of 1 2 section 33.11 of this Code. 3 (no) Walkway cafes greater than four hundred (400) 4 square feet in area, subject to the criteria and 5 limitations in section 22.3(B) of this Code. 6 7 8 9 [Note to Municipal Code: The rest of this section shall 10 remain as codified.] 11 12 SECTION 3: The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article IX Transit 13 14 Oriented Corridor-City Center (TOC-CC) District, Section 9.5 15 TOC-CC City Center permitted uses, is hereby amended to read 16 as follows: 17 18 Sec. 9.5. - TOC-CC City center permitted uses. 19 20 [Permitted uses.] No building or structure, or part (A) 21 thereof, shall be erected, altered or used, or land or 22 water used, in whole or in part, for other than any of 23 the uses specified below. 24 25 . . . 26 27 Massage services, permitted as accessory use only 28 within an approved medical office or physical 29 therapy office. 30 31 Mail-plus services. 32 33 Medical office; not more than five (5) physicians. 34 Not including correctional or mental, nor 35 institutions for care of drug or liquor patients. 36 37 Merchant, retail. 38 39 Municipal buildings, parks, playgrounds. 40 41 Museum. 42 43 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.
- (<u>gh</u>) 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

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criteria as set forth in section 22.13 of this Code.

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

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- 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 of the school year. This time start requirement cannot be waived or reduced.
- $(\underline{j}\underline{k})$ Theater, outdoor. Subject to requirements of section 33.11 of this Code.
- (k1) 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.

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5	[Note to Municipal Code: The rest of this section shall remain as codified.]					
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7	SECTION 4 : The Code of Ordinances of the City of					
8	Margate, Florida, Appendix-A Zoning, Article XXI Neighborhood					
9 10	Business B-1 District, Section 21.3 Permitted uses, is hereby					
11	amended to read as follows:					
12	Sec. 21.3 Permitted uses.					
13						
14	(A) Permitted uses specified. No building or structure,					
15 16	or part thereof, shall be erected, altered or used, or					
17	land or water used, in whole or in part, for other than one of the following specified uses:					
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21	Massage services, permitted as accessory use only					
22	within an approved medical office or physical					
23	therapy office.					
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25 26	Mail plug courries (loss then one thousand fine					
26 27	Mail-plus service (less than one thousand five hundred (1,500) square feet).					
28	nanarea (1,000) equare rece,.					
29	Medical office, subject to the following					
30	limitations:					
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32	(1) Less than three (3) physicians.					
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34	(2) Nor including correctional and mental, nor					
35	institutions for care of drug or liquor					
36 37	patients, nor veterinary hospitals.					
37 38	Morchant rotail subject to the limitations in					
30 39	Merchant, retail, subject to the limitations in section 21.5.					
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41	Personal care services, except massage, subject to					
42	the following limitation(s):					
43	(1) Body art studios are not permitted.					
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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 special exception approval pursuant to the procedure 8 9 and criteria set forth in sections 22.9 through 22.12 10 of this Code. 11 12 clinic, pet hospital, subject to Animal the 13 following limitations: 14 (1)Must be less than three thousand (3,000) 15 square feet in area. 16 Adequate soundproofing in any area where (2) 17 animals are contained or treated. 18 All boarding activities shall be ancillary (3) 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.1 31 32 SECTION 5: The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article XXII Community 33 34 Business B-2 District, Section 22.3 Permitted uses, is hereby amended to read as follows: 35 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.
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5	Mail-plus service.
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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 13	patients, nor veterinary hospitals. May have a magnetic resonance imaging (MRI) unit as
14	accessory.
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16	Medical supply rentals.
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18	Merchant, retail, subject to the limitations in
19	Section 22.5.
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21	Museum.
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23	Municipal buildings, parks, playgrounds.
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25	Music, instruction, subject to the following
26	limitation(s):
27	(1) Soundproofing required.
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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 35	feet of any church, school, or adult bookstore/theater.
35 36	bookstore/theater.
	Music instruction (soundrussfed only)
37	Music, instruction (soundproofed only).
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39 40	Nightclubs, teen clubs, catering halls or dance halls, with an occupant load of less than two
40 41	hundred fifty (250) persons.
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1 Package store, subject to the following 2 limitation(s): 3 (1) Not permitted within one thousand five 4 hundred (1,500) feet of any other package 5 store. 6 7 Personal care services, except massage, subject to the following limitation(s): 8 9 (1) Body art studios are not permitted. 10 11 . . . 12 13 (B) Special exception uses. The following uses are 14 authorized upon a finding by the City Commission 15 that a special exception to the article is 16 warranted, pursuant to the procedure and criteria set forth in sections 22.9 through 22.12 of this 17 18 Code. 19 20 . . . 21 Laundries, coin-operated (extended hours of 22 23 operation). 24 Massage services. 25 Nightclubs, teen clubs, catering halls or dance 26 halls, with an occupancy greater than two 27 hundred fifty (250), subject to the following 28 limitation(s): 29 (1) Not permitted within one thousand (1,000) 30 feet of any church, school, or adult bookstore/theater. 31 32 33 • • . 34 35 [Note to Municipal Code: The rest of this section shall remain 36 as codified.] 37 SECTION 6: The Code of Ordinances of the City of 38 39 Margate, Florida, Appendix-A Zoning, Article XXIII Liberal Business B-3 District, Section 23.3 Permitted uses, is hereby 40 41 amended to read as follows: 42 Sec. 23.3. - Permitted uses. 43 44

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 within an approved medical office or physical 11 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 halls, with an occupant load of less than two 34 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 bookstore/theater. 39 40 41 Package store, subject to the following 42 limitation(s):

1 2 3 4		(1) Not permitted within one thousand five hundred (1,500) feet of any other package store.
4 5 6 7		Personal care services . , except massage.
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9 10 11 12 13 14 15	(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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17 18 19		Limousine service (three (3) or fewer vehicles, subject to the following limitation(s):
20 21 22		(1) Proof of adequate parking facilities shall be demonstrated prior to approval.Massage services.
23 24 25 26		Nightclubs, teen clubs, catering halls or dance halls, with an occupancy greater than two hundred fifty (250), subject to the following limitation(s):
27 28 29 30		(1) Not permitted within one thousand (1,000) feet of any church, school, or adult bookstore/theater.
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32 33 34 35		e to Municipal Code: The rest of this section shall remain codified.]
36 37	in con	<u>SECTION 7</u> : All ordinances or parts of ordinances flict are repealed to the extent of such conflict.
38 39 40 41 42 43 44 45	uncons said 1	SECTION 8: If any section, sentence, clause, or of this Ordinance is held to be invalid or titutional by a court of competent jurisdiction, then holding shall in no way affect the validity of the ing portions of this Ordinance.

1 SECTION 9: It is the intention of the City 2 Commission that the provisions of this Ordinance shall become 3 and be made a part of the City of Margate Code, and that the 4 sections of this Ordinance may be renumbered or relettered 5 and the word "ordinance" may be changed to "section", 6 "article" or such other appropriate word or phrase in order 7 to accomplish such intentions. 8 9 SECTION 10: This Ordinance shall become effective 10 immediately upon adoption at its second reading. 11 12 PASSED ON FIRST READING THIS 18^{TH} DAY OF OCTOBER, 2017. 13 PASSED ON SECOND READING THIS 1ST DAY OF NOVEMBER, 2017. 14 ATTEST: 15 16 17 JOSEPH J. KAVANAGH MAYOR TOMMY RUZZANO 18 CITY CLERK 19 20 21 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING 22 23 Caggiano Caggiano YES 24 Simone YES Simone 25 Peerman ABSENT Peerman 26 Schwartz YES Schwartz 27 Ruzzano YES Ruzzano