

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; ARTICLE III GENERAL PROVISIONS, SECTION 3.19. SETBACK FROM MAJOR ROADWAYS; ARTICLE XXVII RECREATIONAL S-1 DISTRICT; ARTICLE XVI MULTIPLE DWELLING R-3 DISTRICT, SECTION 16.6 YARDS AND SETBACKS; ARTICLE XVII MULTIPLE DWELLING R-3A DISTRICT, SECTION 17.6 YARDS AND SETBACKS; PROVIDING FOR MUNICIPAL STRUCTURES; 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 III General Provisions, Section 3.19 Setback from major roadways, is hereby amended to read as follows¹:

Section 3.19. - Reserved. ~~Setback from major roadways.~~

~~(A) No building shall be located closer than thirty-five (35) feet to any trafficway having a right-of-way width of eighty (80) feet or greater. This setback shall not apply to accessory structures located in rear yards, and further shall not apply to Holiday Springs Boulevard or any property with a TOC-C, TOC-G, or TOC-CC zoning designation.~~

SECTION 2: The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article XXVII Recreational S-1 District, is hereby amended to read as follows:

ARTICLE XXVII. - RECREATIONAL S-1 DISTRICT

¹ 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.

1. **Section 27.1. - Purpose of district.**

2 The S-1 recreational district is intended to provide public
3 and private open spaces and recreational facilities for active
4 use by the patrons thereof. The permitted uses of the S-1
5 district may take place in open air or in a building or
6 structure.

7. **Section 27.2. - Uses permitted.**

8 No building or structure or part thereof shall be erected,
9 altered or used, or land or water used, in whole or in part, for
10 other than one ~~(1)~~—or more of the following specified uses
11 subject to the procedure specified in Section 27.4 following:

- 12 (1) Archery range.
- 13 (2) Baseball diamond.
- 14 (3) Basketball court.
- 15 (4) Beach.
- 16 (5) Boat dock.
- 17 (6) Cabanas.
- 18 (7) Country club.
- 19 (8) Fishing pier.
- 20 (9) Golf course (18-hole, 9-hole, par-3 course, pitch and
21 putt, executive, etc., wherein natural grass and greens
22 are provided), excluding miniature golf course.
- 23 (10) Driving range.
- 24 (11) Handball/racquetball court.
- 25 (12) Lawn bowling.
- 26 (13) Marina.
- 27 (14) Municipal parks and playgrounds structures intended
28 to provide for the health, safety, and welfare of
29 the community.
- 30 (15) Shuffleboard court.
- 31 (16) Swimming pool.
- 32 (17) Tennis court.
- 33 (18) Trampoline.
- 34 (19) Social, athletic, neighborhood or community club
35 serving the surrounding residential area.
- 36 (20) Accessory uses.
- 37 (21) Coin-operated amusement devices as specifically
38 defined in Article XXXVI with the addition that:
39
40 (a) Same shall be allowed only in recognized structures
41 or facilities, such as clubhouses, recreation halls,

1 teen centers, etc., that are open for the patronage
2 of individuals using said halls for private
3 recreational purposes.
4

- 5 (b) All proceeds from the above coin-operated amusement
6 devices will be utilized for nonprofit purposes
7 relating to the organization or association
8 maintaining the above recreation facilities.
9

10. **Section 27.3. - Uses prohibited.**

11 The permissible uses enumerated in Section 27.2 above shall
12 not be construed to include either as a principal or accessory
13 use of any of the following which are listed for emphasis:

- 14 (1) Any business or commercial use not permitted as a
15 principal use except when meeting requirements of an
16 accessory use.
17
18 (2) Any industrial or manufacturing use.
19
20 (3) Drive-in theater, drive-in restaurant or drive-in
21 refreshment stand.
22.

23. **Section 27.4. - Site development plan.**

24 A site plan for new buildings, structures, or uses in the S-
25 1 district shall be submitted to the development review
26 committee prior to the issuance of a building permit if said new
27 buildings, structures, or uses are considered new development,
28 redevelopment, or change the functionality of the property. The
29 site development plan shall provide for an arrangement and
30 location of uses and facilities on the plot so as to provide the
31 maximum separation from, and protection to, contiguous and
32 nearby residential property. Where the nature of the activities
33 or facilities on the plot present a potential detriment to
34 residential properties from noise, glare, odors, smoke,
35 vibration, flying objects, or traffic, protection to such
36 residential properties shall be provided in the form of open
37 space, fences, walls, hedges, enclosures and/or by such other
38 manner as deemed appropriate and effective by the committee to
39 minimize such hazards.
40
41

1. **Section 27.5. - Landscaping.**

2 All required yards and open spaces adjacent to streets and
3 contiguous to residential property shall be planted and properly
4 maintained with suitable planting in the form of grass, shrubs,
5 hedges and trees to present an attractive appearance appropriate
6 to the neighborhood.

7. **Section 27.6. - Height.**

8 No building or structure or part thereof shall be erected or
9 altered to a height greater than ~~thirty-five (35)~~ feet, except
10 that municipal structures may be built to a height of sixty-five
11 (65) feet.

12. **Section 27.7. - Plot size.**

13 Every plot shall be not less than ~~one hundred (100)~~ feet in
14 width and ten thousand (10,000) square feet in area.

15. **Section 27.8. - Yards.**

16 (A) No parking area shall be located within ~~fifteen (15)~~ feet
17 of any residential plot.

18
19 (B) No structure, except municipal structures, fences or
20 walls as hereinafter provided for, shall be located
21 within ~~twenty (20)~~ feet of any residentially zoned
22 property nor within ~~twenty-five (25)~~ feet of any public
23 or private street.

24
25 (C) No building or roofed portion of any structure, except
26 municipal structures, shall be located within ten (10)
27 feet of any plot line.

28
29 (D) No required open space, yard, or setback area shall be
30 used or developed for any purpose other than landscaping
31 and walkways and/or driveways needed to serve the
32 permitted use.

33.
34. **Section 27.9. - Fences, walls, and hedges.**

35 (A) No fence, wall, or hedge located within ten (10) feet of
36 any residentially zoned property shall exceed six ~~(6)~~
37 feet in height.

38

(B) Swimming pools shall be provided with a safety barrier as set forth in section 3.14 of this appendix.

(C) Fences, walls, and hedges located within ~~twenty-five~~ (25) feet of any public right-of-way shall conform to Sections 3.14(16) and 3.14(19) of this appendix.

SECTION 3: The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article XVI Multiple Dwelling R-3 District, Section 16.6 Yards and setbacks is hereby amended to read as follows:

Section 16.6. - Yards and setbacks.

(A) *One-Family Dwellings.* As provided for in the R-1B zoning district.

(B) *Two-Family Dwellings.* As provided for in the R-2 zoning district.

(C) *Multiple Dwellings:*

(1) *Street setback.* No building or structure shall be located less than ~~twenty-five~~ (25) feet from a street right-of-way line that is less than 80 feet in width. A greater setback may be required pursuant to Section 3.19 of this Code. No building or structure shall be located less than 35 feet from a street right-of-way that is 80 feet in width or wider, with the exception of Holiday Springs Boulevard.

(2) *Front yard.* Every plot shall have a front yard of not less than ~~twenty-five~~ (25) feet in depth or a depth equal to the height of the building, whichever is greater.

(3) *Side yards.* Every plot shall have side yards of at least ~~fifteen~~ (15) feet or one-half the height of the building, whichever is greater.

(4) *Rear yard.* Every plot shall have a rear yard of not less than ~~twenty~~ (20) feet in depth plus one additional foot for each two ~~(2)~~ feet in building

height, or portion thereof, over ~~twenty-five~~ (25) feet.

SECTION 4: The Code of Ordinances of the City of Margate, Florida, Appendix-A Zoning, Article XVI Multiple Dwelling R-3A District, Section 16.6 Yards and setbacks is hereby amended to read as follows:

Section 17.6. - Yards and setbacks.

(A) *One-Family Dwellings.* As provided for in the R-1B zoning district.

(B) *Two-Family Dwellings.* As provided for in the R-2 zoning district.

(C) *Multiple Dwellings:*

(1) *Street setback.* No building or structure shall be located less than ~~twenty-five~~ (25) feet from a street right-of-way line that is less than 80 feet in width. A greater setback may be required pursuant to Section 3.19 of this Code. No building or structure shall be located less than 35 feet from a street right-of-way that is 80 feet in width or wider, with the exception of Holiday Springs Boulevard.

(2) *Front yard.* Every plot shall have a front yard of not less than ~~twenty-five~~ (25) feet in depth or a depth equal to the height of the building, whichever is greater.

(3) *Side yards.* Every plot shall have side yards of at least ~~fifteen~~ (15) feet or one-half the height of the building, whichever is greater.

(4) *Rear yard.* Every plot shall have a rear yard of not less than ~~twenty~~ (20) feet in depth plus one additional foot for each two ~~(2)~~ feet in building height, or portion thereof, over ~~twenty-five~~ (25) feet.

(D) *Accessory Buildings.* No accessory buildings shall be located in the required street setback.

(E) *Dumpsters and Garbage Containers.* Front yards or street setbacks shall not be used for storage of dumpsters or other garbage or trash containers.

SECTION 5: All ordinances or parts of ordinances in conflict are repealed to the extent of such conflict.

SECTION 6: 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 7: 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 8: 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
CITY CLERK

MAYOR TOMMY RUZZANO

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

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____