

## **Proposed code changes (Version 4)**

Please contact Armand Daiguillon – 954-655-6362 if you have any questions.

Note: New wording in proposed changes to existing code are underlined, old code is crossed out to illustrate the changes.

### **Existing**

Sec. 23-4. - Plan required.

- (A) A landscaping plan and irrigation plan shall be submitted with every DRC application for site plan approval or amendment, change of occupancy group, or special exception. Said landscaping plan shall be prepared by a Florida registered landscape architect or a recognized landscape designer in good standing with the Florida Nurseryman and Growers Association.

### **Proposed change**

Sec. 23-4. - Plan required.

- (A) A landscaping plan and irrigation plan shall be submitted with every DRC application for site plan approval or amendment, ~~change of occupancy group~~, or special exception. Said landscaping plan shall be prepared by a Florida registered landscape architect or a recognized landscape designer in good standing with the Florida Nurseryman and Growers Association.  
The requirement for submittal of a landscape and irrigation plan may be waived on a case by case basis by the Director of Development Services if not deemed necessary for certain types of projects.

**Justification:** Please note that Margate is the only city in Broward County that puts a change of occupancy through DRC, which is a lengthy and costly process.

This proposed change removes change of occupancy from the DRC process thus removing the requirements to submit Landscape & Irrigation plans, also makes plan submittal waivable as may be warranted for many Special Exception applicants.

**Existing**

Sec. 23-9. - Dumpster and other screening requirements.

(A) All dumpsters, compactors, and sites containing five (5) or more garbage cans within the city shall be located on a reinforced concrete pad and screened by a durable opaque enclosure that is not less than six (6) feet in height. Said enclosure shall not be made of chain link or any other similar material. Each enclosure shall be equipped with durable gates. A combination of hedges and ground covers shall be planted on three (3) sides of the enclosure, in a planting bed not less than three (3) feet in width.

Previously developed sites that are legally non-conforming with this section shall be required to comply at the time of any DRC application for site plan approval or amendment, change of occupancy group, or special exception.

**Proposed Change**

Sec. 23-9. - Dumpster and other screening requirements.

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Previously developed sites that are legally non-conforming with this section shall be required to comply at the time of any DRC application for site plan approval or amendment or ~~change of occupancy group~~, special exception.

**Justification:** Keeps this code section in line with other sections that no longer require DRC process for change of occupancy group.

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**Existing**

Sec. 31-39. - Development review committee fees.

Change of occupancy ..... 250.00

**Proposed Change**

Sec. 31-39. - Development review committee fees.

~~Change of occupancy ..... 250.00~~

**Justification:** Removes fee from code to keep in line with other code changes.

### **Existing**

#### Section 33.2 (E)(8)

(8) Photometric plans: A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, change of occupancy group, or special exception use. Said plan shall clearly and accurately designate the required parking spaces, lighting, access aisles, driveways, adjacent utility poles that provide light to the subject property, and trees (existing and proposed). Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles. Photometric plans shall delineate foot-candle measurements in a grid pattern using ten-foot squares throughout the vehicular use area and measured at grade. Photometric plans shall include light contributions from all sources, including, but not limited to, pole mounted light fixtures, wall-mounted light fixtures, illuminated signs, and adjacent street lights.

For existing sites and structures, an inspection and test of all existing site lighting systems may be performed by a design professional who can certify to the Margate Department of Environmental and Engineering Services that existing site lighting facilities meet the design criteria and meet functional compliance with this Code.

### **Proposed Change**

(8) Photometric plans: A photometric plan shall be submitted with every DRC application for a site plan approval or amendment, ~~change of occupancy group~~, or special exception use. Said plan shall clearly and accurately designate the required parking spaces, lighting, access aisles, driveways, adjacent utility poles that provide light to the subject property, and trees (existing and proposed). Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles. Photometric plans shall delineate foot-candle measurements in a grid pattern using ten-foot squares throughout the vehicular use area and measured at grade. Photometric plans shall include light contributions from all sources, including, but not limited to, pole mounted light fixtures, wall-mounted light fixtures, illuminated signs, and adjacent street lights.

For existing sites and structures, an inspection and test of all existing site lighting systems may be performed by a design professional who can certify to the Margate Department of Environmental and Engineering Services that existing site lighting facilities meet the design criteria and meet functional compliance with this Code.

The requirement for submittal of a photometric plan may be waived on a case by case basis by the Director of Development Services if not deemed necessary for certain types of projects.

**Justification:** No other city requires photometric plans for anything other than new construction.

This proposed change removes this burden for change of occupancy applicants but also allows for a waiver to be granted for Special Exception applicants when warranted.

**Existing**

Section 33.2 (F)

(F) A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under this article, which plan shall clearly and accurately designate the required parking spaces, drainage, lighting, access aisles, driveways, and relation to the uses or structures these off-street parking facilities are intended to serve. Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles.

**Proposed Change**

(F) A plan shall be submitted with every application for a building permit for any new use or structure, or for any changes to an existing use or structure that would affect the amount of off street parking available under this article. ~~use or structure required to provide off-street parking under this article.~~ This plan shall clearly and accurately designate the required parking spaces, drainage, lighting, access aisles, driveways, and relation to the uses or structures these off-street parking facilities are intended to serve. Such facilities shall be arranged for the convenient access and safety of pedestrians and vehicles.

**Justification:** Removes the requirements to submit another plan for lighting, drainage, etc which would previously be triggered with every permit for basically anything. This change makes the plan required only under circumstances that make sense. (that affect parking utilization)

### **Existing**

Section 33.3 (10)

(10) *Theatres* and other places of assembly having fixed seats: One (1) parking space for each three (3) fixed seats.

### **Proposed Change**

(10) *Theatres (live performance)* and other places of assembly having fixed seats : One (1) parking space for each three (3) fixed seats. *Movie Theatres*, One (1) parking space for every five (5) fixed seats.

**Justification:** Wording “and other places of assembly” removed because it is redundant and covered in Section 33.3 (11)

Many cities have appropriately amended their code to reflect that movie theatres and live theatres have different parking requirements. A movie theatre, because of contractual obligations must commit auditoriums to film runs for a minimum of 3-4 weeks. This means that movie theatres can rarely utilize their full capacity because they have to hold on to older film product after initial interest has faded.

The 1 per 5 parking requirement for movie theatres is in use in many Broward Cities including, Sunrise, Lauderhill, Coconut Creek, Coral Springs, Pembroke Pines and Hollywood. (some others have more complex calculating methods such as by square foot rather than by seat)

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### **Existing**

Section 33.3 (28)

(28) Mixed uses. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

### **Proposed Change**

(28) Mixed uses. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately, and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

When calculating off street parking requirements in a commercially zoned mixed use environment that would utilize shared parking, consideration based on required utilization by time of day and or business operating hours is permissible.

**Justification:** Current code allows for no flexibility when calculating parking requirements. Many different businesses utilize their parking at different times of the day. For example, if you are in a shopping center with a church that utilizes their parking during the morning hours only, its parking requirement should not affect the parking requirement of another business in the same shopping center that utilizes their parking primarily at night. Another example would be a medical office that is only open weekdays should not have their needed parking affect a business that only utilizes their parking on weekends.

This change offers flexibility and a more common sense approach to calculating parking requirements in a shared parking environment and is used in one form or another in most other Broward cities.

**Existing**

Section 33.4.

- Combined off-street parking.

Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article.

**Proposed Change**

- Combined off-street parking.

Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operations, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article or in the case of commercially zoned mixed uses, shared parking as outlined in Section 33.3 (28) is permissible.

**Justification:** This simply makes this section compliant with section 33.3 (28) and allows for computing parking requirements in a more flexible way, while also keeping in place and not conflicting with the ordinance passed that restricts shared parking in residential areas.

## **Existing**

### Section 33.3 (31)

(31) Shopping centers. Five and one-half (5½) parking spaces per one thousand (1,000) square feet of gross building area. For the purpose of this article, shopping centers are comprised of multiple occupancy groups, including retail, office and assembly uses of fifty (50) or less occupants.

(a) When any assembly use with an occupant load of more than fifty (50) persons seeks to locate on a parcel for which the parking calculations are consistent with a shopping center, the parking for the site will be recalculated with the assembly use separated from the shopping center, to provide parking for that assembly use as specified by this Zoning Code.

(b) In the case of an assembly use being separated from a shopping center parking calculation, the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use.

## **Proposed Change**

### Section 33.3 (31)

(31) Shopping centers. ~~Five and one-half (5½) parking spaces per one thousand (1,000) square feet of gross building area.~~ 1 parking space per 250 SF of gross floor area. For the purpose of this article, shopping centers are comprised of multiple occupancy groups, including retail, office and assembly uses of fifty (50) or less occupants.

(a) When any assembly use with an occupant load of more than fifty (50) persons seeks to locate on a parcel for which the parking calculations are consistent with a shopping center, the parking for the site will be recalculated with the assembly use separated from the shopping center, to provide parking for that assembly use as specified by this Zoning Code.

(b) In the case of an assembly use being separated from a shopping center parking calculation, the off-street parking space for one use shall not be considered as providing the required off-street parking for any other use. Shared parking calculations as outlined in Section 33.3 (28) are permissible.

## **Justification**

Current requirement equates to 1 space per 182 SF of gross “leasable” area. (5.5 spaces per 1000) That is the most restrictive in the county. Recommend changing to 250 which would be “average” compared to the following cities – Lauderdale (1/250), Coconut Creek (1/300), Coral Springs (1/225) Plantation (1/225), Sunrise (1/250), Dania (1/250), Davie (1/250 SM - 1/300 LG) – Many other cities also calculate differently in a shopping center, but those calculations are in their code on a use by use basis.

Also note the change of term “gross building area” to “gross floor area”. Many large retailers and restaurants have a significant amount of space that is a part of their square footage that is not for public use, such as storage areas, offices and kitchens. This change of terminology, factors those non-customer spaces out of the parking calculations. This creates a more fair calculation and is also what is commonly used in other city codes. (and also in some existing Margate Code)