

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 23 - LANDSCAPING, ARTICLE II, SECTION 23-20 - TREE REMOVAL LICENSE REQUIREMENTS AND STANDARDS; AMENDING APPENDIX-A ZONING ARTICLE VI, SECTION 6.9 - DEVELOPMENT STANDARDS; AMENDING APPENDIX-A ZONING; ARTICLE XIV, SECTION 14.2 - PERMITTED USES, AMENDING ARTICLE XVIII, SECTION 18.5 - DESIGN STANDARDS; ARTICLE XL SECTION 40.4 - EXTERIOR MAINTENANCE OF STRUCTURE AND PREMISES; ARTICLE XL, SECTION 40.9 - LANDSCAPE MAINTENANCE REQUIREMENTS; PROVIDING CONSISTENCY WITH FLORIDA STATUTE SECTION 163.045 FOR NOTICE, APPLICATION, APPROVAL, PERMIT, FEE, AND MITIGATION EXEMPTION FOR PRUNING, TRIMMING, REMOVAL, REPLANTING, OR MITIGATION TO TREES ON RESIDENTIAL PROPERTY; PROVIDING FOR REPEAL; PROVIDING FOR EXCEPTIONS; 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, Chapter 23, Article II, Section 23-20 - Tree removal license requirements and standards, is hereby amended to read as follows¹:

Sec. 23-20. - Tree removal license requirements and standards.

(A) *License requirements.*

(1) *[License required.]* Unless otherwise exempted by this article, a person shall obtain a tree removal license prior to relocating or removing a tree.

¹CODING: 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
2 (2) *Exemptions from licensing.* Unless otherwise prohibited
3 by the Code, the following activities are exempted from
4 the licensing requirements of this article provided
5 that no nuisance or any condition which adversely
6 affects the environment or public health is created,
7 and provided that the activity does not violate any
8 provisions of the Code, or federal, state, or local
9 government regulations:

10
11 (a) Removal of any tree that is hazardous to the extent
12 that its continued existence creates an imminent threat
13 to public safety or property. In order to claim this
14 exemption, the owner of the property must document by
15 photographs or other evidence that such condition(s)
16 existed prior to the removal of the tree.

17
18 (b) Pursuant to Section 163.045, Florida Statutes, as
19 amended, pruning, trimming, removal, or replanting of,
20 or mitigation to, tree on residential property is
21 exempt from any notice, application, approval, permit,
22 fee, or mitigation requirements of this section if the
23 property owner obtains documentation from an arborist
24 certified by the International Society of Arboriculture
25 or a Florida licensed landscape architect that the tree
26 presents a damage to persons or property. Removal of
27 any tree on owner-occupied residential properties of
28 one (1) acre or less developed for detached single-
29 family and duplex usage, except the following:

30 i. ~~Previously preserved, relocated or replaced trees~~
31 ~~that were preserved, relocated or replaced~~
32 ~~pursuant to a tree removal license; or~~

33
34 ii. ~~Historical or specimen trees;~~

35
36 iii. ~~Trees that were required to be planted in order to~~
37 ~~meet the minimum landscaping standards for~~
38 ~~detached single-family and duplex usage as~~
39 ~~identified in the City Code.~~

40 [Note to Municipal Code: The rest of this section shall remain as
41 codified.]

SECTION 2: The Code of Ordinances of the City of Margate, Florida, Appendix A, Zoning, Article VI, Section 6.9. - Development standards, is hereby amended to read as follows¹:

Section 6.9. - Development standards.

Every site development plan shall meet or exceed the following design standards in addition to all other applicable zoning and subdivision regulations:

- (1) *Street design.* Private streets may serve developments within this district. The design of streets shall meet the criteria of Section 31-19 of the City Code. The design and cross-section shall be approved by the city engineer. Streets shall be illuminated to an average intensity of at least one (1) footcandle per square foot. At no point shall the intensity of illumination fall below one-half ($\frac{1}{2}$) footcandle.
- (2) *Parking.* Every single-family dwelling unit shall provide a fully enclosed garage, attached to the main structure, and finished in an architecturally compatible manner with the particular house. Each such dwelling shall provide a double wide driveway of not less than sixteen (16) feet in width. Multiple-family dwellings shall meet or exceed the parking requirements set forth in Section 35.3 of this Zoning Code.
- (3) *Landscaping.* Every single-family plot shall contain at least two (2) shade trees in the front yard of a designated community street tree and shall provide at least one (1) shade tree in the rear yard. Multiple dwellings shall contain at least two (2) shade trees per dwelling unit in addition to the required perimeter landscaping abutting a right-of-way. All unpaved common areas shall contain at least one (1) tree for each five hundred (500) square feet of area. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential property shall be in accordance with Section 23-20 of the City of Margate Code of Ordinances.

1 [Note to Municipal Code: The rest of this section shall remain as
2 codified.]

3
4 **SECTION 3:** The Code of Ordinances of the City of
5 Margate, Florida, Appendix A, Zoning, Article XIV - One-
6 Family Dwelling R-1A - R-1B Districts, Section 14.2. -
7 Permitted uses, is hereby amended to read as follows¹:

8
9 Section 14.2. - Permitted uses.

10 No building or structure, or part thereof, shall be erected,
11 altered or used, or land or water used, in whole or in part, for
12 other than one (1) of the following uses:

- 13 (1) Single-family detached dwellings.
- 14
- 15 (2) Recreation buildings and facilities, playgrounds, play
16 fields, parks, beaches, owned and operated by the city.
- 17
- 18 (3) Recreational and social centers, not operated for
19 profit and constructed as an integral part of the
20 surrounding residential neighborhood.
- 21
- 22 (4) Church, synagogue, or other religious institution and
23 parochial school incidental to the above on the same
24 premises. Such use shall be located on a plot having at
25 least forty thousand (40,000) square feet of plot area
26 and having at least two hundred (200) feet of street
27 frontage. Except for a rectory, parish house or similar
28 individual dwelling, no residential use shall be
29 permitted on the site. The coverage of all roofed
30 structures shall not exceed twenty-five (25) per cent
31 of the plot area. No building or roofed structure shall
32 be located within forty (40) feet of any other
33 residentially zoned property. No parking area shall be
34 located within ten (10) feet of any plot line.
- 35
- 36 (5) Sewage or water treating, pumping and storage plants to
37 serve the surrounding residential area. Such plants
38 shall conform to the following requirements:

1 (a) The plot shall be not less than two hundred (200) feet
2 in width and forty thousand (40,000) square feet in
3 area, and as large as necessary to provide required
4 setback areas.

5
6 (b) No building or structure shall be located nearer to any
7 other residentially zoned property or any street line
8 than a distance equal to the height of such building or
9 structure.

10 No water pumping or treatment facility shall be
11 located nearer than thirty-five (35) feet to any
12 street line or nearer than fifty (50) feet to any
13 other residentially zoned property.

14
15 (c) All plots shall have a landscaped setback area at least
16 thirty-five (35) feet in width or depth adjacent to all
17 plot lines separating the subject plot from other
18 residentially zoned property. The landscaped setback
19 area shall not be used for any building, structure,
20 fence, wall, parking, storage or other use except that
21 a fence not over six (6) feet in height may be erected
22 in any such setback area at least thirty-five (35) feet
23 from any street line. The landscaped setback area shall
24 be planted with grass, shrubbery and trees, and no part
25 shall be paved or surfaced except for minimum driveways
26 and walkways for access. All landscaping shall be
27 maintained in a healthy, growing condition, properly
28 trimmed and watered. The pruning, trimming, removal, or
29 replanting of, or mitigation to, a tree on residential
30 property shall be in accordance with Section 23-20 of
31 the City of Margate Code of Ordinances.

32
33 (d) All machinery, equipment and mechanical or electrical
34 facilities shall be so designed and operated as to
35 minimize noise effects upon surrounding residential
36 properties.

37
38 (e) Plots shall not be used for business, storage or
39 service purposes for a franchised area.

1 [Note to Municipal Code: The rest of this section shall remain as
2 codified.]

3
4 **SECTION 4:** The Code of Ordinances of the City of
5 Margate, Florida, Appendix A, Zoning, Article XVIII - RVRP
6 Districts, Section 18.5 - Design standards, is hereby
7 amended to read as follows¹:

8
9 Section 18.5. - Design standards.

10 (A) RV park standards:

11 (1) *Minimum park size:* One hundred (100) acres.

12
13 (2) *Reserved.*

14
15 (3) *Yards:*

16
17 (a) No building or structure, except fences or walls
18 as hereinafter provided for, shall be located
19 within fifteen (15) feet of any property outside
20 of the RVRP district

21
22 (b) No recreational vehicle site pad shall be located
23 within fifteen (15) feet of the recreational
24 vehicle park perimeter.

25
26 (4) *Density:* RV sites are subject to the density
27 limitations set forth in the applicable land use
28 category of the future land use element of the Margate
29 Comprehensive Plan.

30
31 (B) *Landscaping:*

32
33 (1) All required landscape buffers and landscaped common
34 areas are subject to the planting and maintenance
35 requirements of chapter 23, Landscaping, and shall
36 utilize the principles of Naturescape Broward, or a
37 similar native landscape program acceptable to the
38 city.

1 (2) Each RV park shall create and maintain a ten-foot-wide
2 unpaved perimeter buffer along the perimeter property
3 line. This perimeter buffer shall provide a six-foot-
4 high unpierced decorative masonry wall, constructed in
5 conformance to applicable building codes and painted on
6 both sides. Said wall shall be located wholly on the RV
7 park side of the perimeter property line and shall run
8 its full length, except whereas provided for below. No
9 decorative wall or fence shall be required on portions
10 of an RV park perimeter that are contiguous to a body
11 of water that provides a minimum of eighty (80) feet of
12 separation from the nearest property on the opposite
13 side of the body of water; except that a decorative
14 aluminum fence may be installed in such areas.

15
16 (3) Trees shall be planted every fifteen (15) lineal feet
17 of the perimeter, in a staggered pattern, within and
18 throughout the entire length of the ten-foot perimeter
19 buffer. The tree species used shall be Category I (as
20 provided for in chapter 23) and nondeciduous. The
21 pruning, trimming, removal, or replanting of, or
22 mitigation to, a tree on residential property shall be
23 in accordance with Section 23-20 of the City of Margate
24 Code of Ordinances.

25
26 (4) Each RV site shall be subject to landscape requirements
27 provided in subsection 23-11(a).

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

30
31
32 **SECTION 5:** The Code of Ordinances of the City of
33 Margate, Florida, Appendix A, Zoning, Article XL - Property
34 Maintenance Standards, Section 40.4 - Exterior maintenance
35 of structure and premises, is hereby amended to read as
36 follows¹:

37
38 Section 40.4. - Exterior maintenance of structure and premises.

39 (a) All exterior surfaces of buildings or sheds, excluding
40 roofs, shall be properly maintained and protected from
41 the elements by paint or other protective coating

1 applied in a workmanlike fashion. Painted or protective
2 coatings shall be uniform in color without blemishes
3 throughout the exterior and shall be in accordance with
4 the color palette of the City of Margate adopted by
5 resolution. Trim paint shall be uniform in color and in
6 accordance with the adopted color palette of the City
7 of Margate without blemishes.

8
9 (b) Every foundation, exterior wall, window, roof and all
10 other exterior surfaces shall be free of holes, cracks,
11 breaks, loose or rotted wood and any condition which
12 might allow rain or moisture, vermin, pests or insects
13 to enter the interior portions of the walls or to the
14 occupied spaces of any dwelling, commercial building or
15 structure.

16
17 (c) Roofs shall be structurally sound, watertight and shall
18 prevent rainwater or moisture from entering the walls,
19 ceilings or any other portion of the dwelling,
20 commercial building or structure. All building roofs
21 and gutters shall be kept free of faded or chipped
22 paint and shall be maintained in good repair and in
23 good condition to prevent deterioration, and must be
24 cleaned (pressure and/or chemical), repainted or
25 recovered with like material(s) when twenty-five (25)
26 per cent or more of any exposed roof surface becomes
27 discolored or is scaling. In the event a roof shingle
28 or tile is replaced, the replacement shingle or tile
29 shall be of the closest possible color and shade to the
30 existing roofing shingles or tiles.

31
32 (d) Fences, exterior walls, exterior doors, exterior
33 windows, dumpster enclosures, decorative walls,
34 perimeter hedges, playground equipment, trellis,
35 swimming pools, screen enclosures, modular storage
36 structures, and similar utility enclosures shall be
37 maintained in a good state of repair.

38
39 (e) Each exterior wall surface of buildings and structures
40 shall be kept free of faded or chipped paint, and shall
41 be maintained in a good state of repair and good
42 condition to prevent deterioration, and must be cleaned

(pressure and/or chemical), repainted or recovered with like material(s) when twenty-five (25) per cent or more any exposed surface becomes discolored or is peeling. All subdivision walls or walls separating residential areas from commercial areas shall be painted or have a finished surface and all concrete walls shall be stuccoed and painted on the side facing the property adjoining the property on which the wall is situated. All subdivision or common development walls, fences, barriers or barricades shall be constructed in a uniform design, material, pattern and color throughout the length of the same development, as stated in section 3.14 of this Code.

(f) Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing or other damage.

(g) All signage shall be maintained in the originally permitted and constructed condition as required by this Appendix.

(h) Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be permitted on any premises. This subsection shall not apply to garbage, trash and debris, which is containerized in approved receptacles for appropriate collection and removal.

(i) Dead and/or dying trees and limbs or other natural growth which constitute a health or safety hazard to persons or property shall be removed and replaced if required by city code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard as provided by section 23-17 of the City of Margate Code of Ordinances. The pruning, trimming, removal, or replanting of, or mitigation to, a tree on residential

1 property shall be in accordance with Section 23-20 of
2 the City of Margate Code of Ordinances.
3

4 **[Note to Municipal Code: The rest of this section shall remain as**
5 **codified.]**
6
7

8 **SECTION 6:** The Code of Ordinances of the City of
9 Margate, Florida, Appendix A, Zoning, Article XL - Property
10 Maintenance Standards, Section 40.9 - Landscaping
11 maintenance requirements, is hereby amended to read as
12 follows¹:
13
14

15 Section 40.9. - Landscaping maintenance requirements.

16 All owners of land shall be responsible for the maintenance
17 of all landscaping. This includes mowing and maintaining
18 abutting rights-of-way, swales, lake and canal banks.
19 Landscaping shall be maintained in a good condition so as to
20 present a healthy, neat and orderly appearance at least equal to
21 the original installation and shall be mowed or trimmed in a
22 manner and at a frequency so as not to detract from the
23 appearance of the general area. Landscaping shall be maintained
24 such that it will not cause property damage and public safety
25 hazards, including removal of living, dead or decaying plant
26 material, removal of low hanging branches below twelve (12) feet
27 above grade and those obstructing street lighting. Landscaping
28 shall be maintained in accordance with the following standards:

29 (a) *Insects, disease, etc.:* Landscaping shall be kept free
30 of visible signs of insects and disease and
31 appropriately irrigated and fertilized to enable
32 landscaping to be in a healthy condition.
33

34 (b) *Mulching:* Three (3) inches of clean, weed-free,
35 appropriately sterilized organic mulch shall be
36 maintained over all areas originally mulched at all
37 times until landscaped area matures to one hundred
38 (100) coverage.

1 (c) *Turf edge trimming:* All roadways, curbs and sidewalks
2 shall be edged to prevent encroachment from the
3 adjacent turfed areas.

4
5 (d) *Maintenance of irrigation systems:* Irrigation systems
6 shall be maintained to eliminate water loss due to
7 damaged, missing or improperly operating sprinkler
8 heads, emitters, pipes and all other portions of the
9 irrigation system and shall not be installed or
10 operated to place water on roads.

11
12 (e) *Replacement requirements:* An owner is responsible to
13 ensure that living material are replaced with like
14 material if such living material or trees die, or are
15 abused.

16
17 (f) *Removal of root systems:* Removal of root systems which
18 show evidence of destroying public or private property
19 is required.

20
21 (g) *Tree abuse:* Tree abuse is prohibited within the City in
22 accordance with section 23-16 of the City of Margate
23 Code of Ordinances.

24
25 (h) *Tree pruning:*

26
27 (1) All owners of land must prune trees in accordance with
28 the National Arborist Association Standards. Any
29 pruning performed without conformance to the National
30 Arborist Association Standards shall be subject to
31 enforcement by the city.

32
33 (2) All tree pruners or removers that provide services for
34 a fee within the City of Margate shall hold a valid
35 occupational license in either Broward, Palm Beach, or
36 Miami-Dade Counties.

37
38 (3) Residential property is exempt from the requirements of
39 this subsection.

1
2
3 **SECTION 7:** All ordinances or parts of ordinances
4 in conflict herewith are and the same is hereby repealed to
5 the extent of such conflict.
6

7 **SECTION 8:** If any section, sentence, clause, or
8 phrase of this ordinance is held to be invalid or
9 unconstitutional by a court of competent jurisdiction, then
10 said holding shall in no way affect the validity of the
11 remaining portions of this ordinance.
12

13 **SECTION 9:** It is the intention of the City
14 Commission that the provisions of this ordinance shall become
15 and be made a part of the City of Margate Code, and that the
16 sections of this ordinance may be renumbered or relettered and
17 the word "ordinance" may be changed to "section", "article" or
18 such other appropriate word or phrase in order to accomplish
19 such intentions.
20

21 **SECTION 10:** This ordinance shall become effective
22 immediately upon adoption at its second reading.
23

24 PASSED ON FIRST READING THIS _____ day of _____ 2019.

25 PASSED ON SECOND READING THIS _____ day of _____ 2019.

26 ATTEST:

27
28 _____
29 JOSEPH KAVANAGH
30 CITY CLERK

MAYOR ANTHONY N. CAGGIANO

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8
9

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

Simone	_____	Simone	_____
Arserio	_____	Arserio	_____
Schwartz	_____	Schwartz	_____
Ruzzano	_____	Ruzzano	_____
Caggiano	_____	Caggiano	_____