

CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; ARTICLE III GENERAL PROVISIONS, SECTION 3.22. ALCOHOLIC BEVERAGES; 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 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 THE MODIFICATION OF MINIMUM SEPARATION REQUIREMENTS FOR ESTABLISHMENTS LICENSED TO SERVE OR SELL ALCOHOL; 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 3.22 Alcoholic beverages, is hereby amended to read as follows<sup>1</sup>:

Section 3.22. - Alcoholic beverages.

. . .

<sup>1</sup>CODING: Words in ~~struck through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and shaded text are changes between First and Second Readings.

(VIII) *Distance restrictions.*

(A) *Distance restrictions for consumption on the premises ~~from a house of worship, school, or daycare.~~ No liquor license*

~~approval or beer and wine alcohol license approval for consumption on the premises shall be issued where the place of business designated in the application therefore is located within one thousand (1,000) three hundred (300) feet of a house of worship or a public or private elementary, middle or high school, or child care center. However, the aforesaid separation requirements shall not apply to: The distance shall be measured from the main entrance or front door of such house of worship, school, or daycare to the main entrance of such place of business in accordance with subsection (IX). For any location within any zone designated under any business classification to which a license for the sale of liquor or beer and wine for consumption on the premises has previously been issued, and which license is subsisting and in use, no house of worship, public or private elementary, middle, or high school, or child care center shall be permitted within one thousand (1,000) feet of said location. The distance shall be measured from the front door of the licensee to the main entrance of the house of worship, school, or child care center. Any proposed use not meeting the specific distance restrictions listed above shall be prohibited.~~

(1) Establishments with a permanent food service license, hotel license, or catering license from the Division of Hotels and Restaurants of the Department of Business and Professional Regulations.

(2) Alcohol licenses for beer and wine only.

(3) Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subchapter, the subsequent locating of a church or school in the proximity of that existing establishment shall not be construed to cause that establishment to be in violation of this Code.

(B) *Distance from adult bookstore or adult motion-picture theater.* No establishment for the sale of any alcoholic beverage for consumption on the premises shall be located within one thousand (1,000) feet, to be measured from front door to front door of said establishment by direct airline route, of an adult bookstore or adult motion-picture theater located within or without the corporate limits of the city.

(C) ~~Distance restrictions for 3APS (beer, wine, and liquor package sales only)~~ package sales of liquor. No package store or alcohol license for package sales of liquor for off-premises consumption establishment for package sales, with a 3APS classification, shall be issued where the place of business designated in the application therefore is located within ~~one thousand five hundred (1,500)~~ six hundred sixty (660) feet of another 3APS classified package store or establishment licensed for packaged sales of liquor for off-premises consumption or any public or private elementary, middle or high school. This restriction does not apply to licenses for beer and wine only.

(IX) *Distance measuring generally.* Where this Code requires a minimum separation, the distance shall be measured by direct airline route, from front door to front door. Service entrances which are not typically used by customers shall not be utilized for measurements. For the purpose of measuring separations, the term "front door" is meant to be any direct entrance of an establishment utilized by patrons of that establishment. If an establishment shares a common building entrance with other businesses or uses which are not licensed to sell or serve alcohol, then the common entrance shall be utilized for the measurement and twenty-five (25) feet shall be added to the resulting measurement. If an establishment has more than one front door, then the front door which results in the lowest measurement shall be utilized. An applicant may contest a measurement performed by city staff by providing a specific purpose survey prepared by a surveyor licensed by the State of Florida which delineates the precise distance between uses as prescribed by this Section. Measuring distances shall be from the front door of one (1) establishment to the front door of the other establishment, in determining the distances called for in this section, and according to the following rules:

~~(1) Distance will be the result of measured length along property lines abutting a street, going across the street, if necessary, in any direction.~~

~~(2) The starting point for the existing store or location will be established by drawing a line at ninety (90) degrees with or to the nearest property line. The starting point for the proposed store or location for an alcoholic beverage license will be established by drawing a line at ninety (90) degrees with or to the nearest property line of that proposed location.~~

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

3  
4 **SECTION 2:** The Code of Ordinances of the City of Margate,  
5 Florida, Appendix-A Zoning, Article VII TRANSIT ORIENTED CORRIDOR -  
6 CORRIDOR (TOC-C) DISTRICT, Section 7.3 TOC-C permitted uses, is  
7 hereby amended to read as follows<sup>1</sup>:  
8

9 **Section 7.3. - TOC-C Corridor permitted uses.**

10  
11 (A) *[Permitted uses.]* No building or structure, or part thereof,  
12 shall be erected, altered or used, or land or water used, in whole  
13 or in part, for other than any of the uses specified below.  
14

15 . . .  
16  
17 Bars, and taverns. ~~Not permitted within one thousand (1,000)~~  
18 ~~feet of any church, school, or adult bookstore/theater.~~  
19

20 . . .  
21  
22  
23 Nightclubs, teen clubs, catering halls or dance halls, with an  
24 occupant load of less than two hundred fifty (250)  
25 persons. ~~Minimum separation of one thousand (1,000) feet~~  
26 ~~to nearest school or adult bookstore/theater.~~ Subject to  
27 limitations of section 33.11 of this Code.  
28

29 Package store. ~~Not permitted within one thousand five hundred~~  
30 ~~(1,500) feet of any other package store.~~ Subject to  
31 requirements of section 33.11 of this Code.  
32

33 . . .  
34  
35 (B) *Special exception uses.* Special exception uses may be deemed  
36 appropriate to provide a complete distribution of commercial  
37 uses within the City, but because of their operational  
38 characteristics or area requirements need to be given  
39 individual consideration with respect to their location, access  
40 and relationship to adjacent properties and public rights-of-  
41 way, and conformity with the City's current and future  
42 redevelopment efforts.  
43

44 (1) The following uses are authorized upon a finding by the  
45 City Commission that a special exception to the article is  
46 warranted, pursuant to the procedure and criteria set  
47 forth in Chapter 31, Section 31-54 of the Margate Code of  
48 Ordinances.

(n) Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250. ~~Minimum separation of 1,000 feet to nearest school or adult bookstore/theater.~~ Subject to limitations of section 33.11 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 VIII TRANSIT ORIENTED CORRIDOR - GATEWAY (TOC-G) DISTRICT, Section 8.4 TOC-G permitted uses, is hereby amended to read as follows<sup>1</sup>:

**Section 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.

~~Bars and taverns. Not permitted within one thousand (1,000) feet of any church, school, or adult bookstore/theater.~~

~~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.

(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 Chapter 31, Section 31-54 of the Margate Code of Ordinances.

- (j) Night clubs, teen clubs, catering halls or dance halls, with an occupancy greater than 250. ~~Minimum separation of 1,000 feet to nearest school or adult bookstore/theater.~~ Subject to limitations of section 33.11 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 IX TRANSIT ORIENTED CORRIDOR - CITY CENTER (TOC-CC) DISTRICT, Section 9.5 TOC-CC permitted uses, is hereby amended to read as follows<sup>1</sup>:

**Section 9.5. - TOC-CC 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.

Bars and taverns. ~~Not permitted within one thousand (1,000) feet of any church, school, or adult bookstore/theater.~~

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.

1  
2 (B) *Special exception uses.* Special exception uses may be deemed  
3 appropriate to provide a complete distribution of commercial  
4 uses within the City, but because of their operational  
5 characteristics or area requirements need to be given  
6 individual consideration with respect to their location, access  
7 and relationship to adjacent properties and public rights-of-  
8 way, and conformity with the City's current and future  
9 redevelopment efforts.

10  
11 (1) The following uses are authorized upon a finding by the  
12 City Commission that a special exception to the article is  
13 warranted, pursuant to the procedure and criteria set  
14 forth in Chapter 31, Section 31-54 of the Margate Code of  
15 Ordinances.

16  
17 . . .

18  
19 (j) Night clubs, teen clubs, catering halls or dance halls,  
20 with an occupancy greater than 250. ~~Minimum separation of~~  
21 ~~1,000 feet to nearest school or adult bookstore/theater.~~  
22 Subject to limitations of section 33.11 of this Code.

23  
24 . . .

25  
26  
27 [Note to Municipal Code: The rest of this section shall  
28 remain as codified.]

29  
30  
31 **SECTION 5:** The Code of Ordinances of the City of Margate,  
32 Florida, Appendix-A Zoning, Article XXII COMMUNITY BUSINESS B-2  
33 DISTRICT, Section 22.3 Permitted uses, is hereby amended to read as  
34 follows<sup>1</sup>:

35 **Section 22.3. - Permitted uses.**

36  
37 (A) *Permitted uses specified.* No building or structure, or  
38 part thereof, shall be erected, altered or used, or land  
39 or water used, in whole or in part, for other than the  
40 following specified uses:

41  
42 . . .

43  
44 ~~Bars and taverns, subject to the following limitation(s):~~

45 ~~(1) Not permitted within one thousand (1,000) feet~~  
46 ~~of any church, school or adult~~  
47 ~~bookstore/theater.~~

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

(1) Soundproofing required.

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

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

~~Music, instruction (soundproofed only).~~

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

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

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

(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 Chapter 31, Section  
31-54 of this Code.

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



1 remain as codified.]

2  
3 **SECTION 6:** The Code of Ordinances of the City of Margate,  
4 Florida, Appendix-A Zoning, Article XXIII LIBERAL BUSINESS B-3  
5 DISTRICT, Section 23.3 Permitted uses, is hereby amended to read as  
6 follows<sup>1</sup>:  
7

8 **Section 23.3. - Permitted uses.**

9  
10 (A) *Permitted uses specified.* No building or structure, or  
11 part thereof, shall be erected, altered or used, or land  
12 or water used, in whole or in part, for other than the  
13 following specified uses:

14 . . .  
15 Bars and taverns, ~~subject to the following limitation(s):~~

16 ~~(1) Not permitted within one thousand (1,000) feet~~  
17 ~~of any church, school, or adult~~  
18 ~~bookstore/theater.~~

19  
20 . . .  
21  
22 Nightclubs, teen clubs, catering halls or dance halls, with  
23 an occupant load of less than two hundred fifty (250)  
24 persons, ~~subject to the following limitation(s):~~

25 ~~(1) Not permitted within one thousand (1,000) feet~~  
26 ~~of any church, school, or adult~~  
27 ~~bookstore/theater.~~

28  
29 Package store, ~~subject to the following limitation(s):~~

30 ~~(1) Not permitted within one thousand five hundred~~  
31 ~~(1,500) feet of any other package store.~~

32 . . .  
33  
34  
35 (B) *Special exception uses.* The following uses are authorized upon  
36 a finding by the City Commission that a special exception to  
37 the article is warranted, pursuant to the procedure and  
38 criteria set forth in Chapter 31, Section 31-54 of the Margate  
39 Code of Ordinances.  
40  
41 . . .  
42

Nightclubs, teen clubs, catering halls or dance halls, with  
an occupancy greater than two hundred fifty (250) ~~7~~  
~~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 7:** All ordinances or parts of ordinances in conflict  
herewith are and the same is hereby repealed to the extent of such  
conflict.

**SECTION 8:** 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 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.

ATTEST:

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

\_\_\_\_\_  
MAYOR ANTHONY N. CAGGIANO

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

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