

CITY OF MARGATE
INTEROFFICE MEMORANDUM
ECONOMIC DEVELOPMENT DEPARTMENT

TO: Development Review Committee
Meeting of February 14, 2017

DATE: February 14, 2017

FROM: Benjamin Ziskal,
Director of Economic Development

RE: Rezoning: Three parcels to S-1
Recreational District and one parcel
to S-2 Open Space District

DRC#: 02-17-03

RECOMMENDATION: The Director of Economic Development recommends that the Development Review Committee forward a favorable recommendation for the proposed rezoning's to the Planning and Zoning Board at its March 7, 2017, meeting,

ISSUE: The City of Margate is requesting approval of a rezoning, initiated by the Economic Development Department, to change the zoning classifications of three real properties to S-1 (Recreational District) and one real property to S-2 (Open Space District).

BACKGROUND: The Margate Comprehensive Plan (first adopted and officially known as the Margate Master Plan) was officially adopted on July 11, 1973 via Ordinance 73-19. In 1978, the Margate Master Plan was amended by adding state required Comprehensive Plan elements (Housing, Traffic Circulation, Recreation and Open Space, Conservation, Sanitary, Sewer, Solid Waste Drainage, and Potable Water, Utilities, and Intergovernmental Elements) and officially renamed and adopted as the Margate Comprehensive Plan via Ordinance 78-38 on October 24, 1978. Subsequent to this adoption the Future Land Use Element and corresponding Future Land Use Map (FLUM) was amended into the Comprehensive Plan via Ordinance 78-43 on November 22, 1978.

The Comprehensive Plan is the official statement for the City of Margate which sets forth (in words, maps, illustrations, and/or tables) goals, objectives, and policies intended to direct the present and future physical, social, and economic development that occurs within the City's planning jurisdiction. Traditionally, government agencies adopt a Comprehensive or General Plan first which acts as the main legal document a local government bases their decisions on, holding such decisions constitutional. After the official adoption of a Comprehensive Plan, the local government can adopt land use regulations, which are a set of ordinances that govern any zoning, subdivision, impact fee, site plan, corridor map, floodplain or stormwater regulations, or other governmental controls that affect the use, density, or intensity of land. In tandem with the adoption of land use regulations, the local government will adopt a zoning map that graphically shows all zoning district boundaries and classifications within the city, as contained within the land use regulations.

The zoning map is controlled and based on the FLUM within the Comprehensive Plan. It is important to note that the land use regulations for the City of Margate (Margate Code of Ordinances) were officially adopted on October 25, 1967 via Ordinance 1500.00, meaning that the Margate Code of Ordinances was officially adopted six years before the adoption of the Margate Master Plan. Because the Margate Code of Ordinances was adopted before the adoption of the Margate Master Plan,

inconsistencies and errors between the two official documents resulted. Moreover, throughout Margate history, rezoning's have been approved on parcels throughout the City without the benefit of updating either the FLUM Map and/or the Code of Ordinances which exacerbated the inconsistencies between these two documents.

In response to these inconsistencies and errors, the Economic Development Department has initiated a project to "clear up" these discrepancies through text amendments and rezonings to the zoning code, zoning map, and FLUM. The FLUM amendments will need further time and analysis from agency processes to obtain necessary approvals from Broward County and the Florida Department of Economic Opportunity, and other state and regional agencies. The timeframe for this project will be between six to twelve months. At the completion of this project, the Margate FLUM, Margate Code of Ordinances, and Margate Zoning Map will be compliant and compatible with one another. As previously stated in this report, this item and analysis focuses on those three properties identified to be rezoned to S-1 Recreational District and one property to be rezoned to S-2 Open Space District, and which do not require a change to the FLUM.

ANALYSIS:

PARCEL 1:

- Rezoning from M-1A Industrial Park District to S-1 Recreational District
- Approximately 1.53 acres
- Located at the southwest corner of Banks Road and NW 17th Street
- Owner: Margate Community Redevelopment Agency



Exhibit 1: Location of property

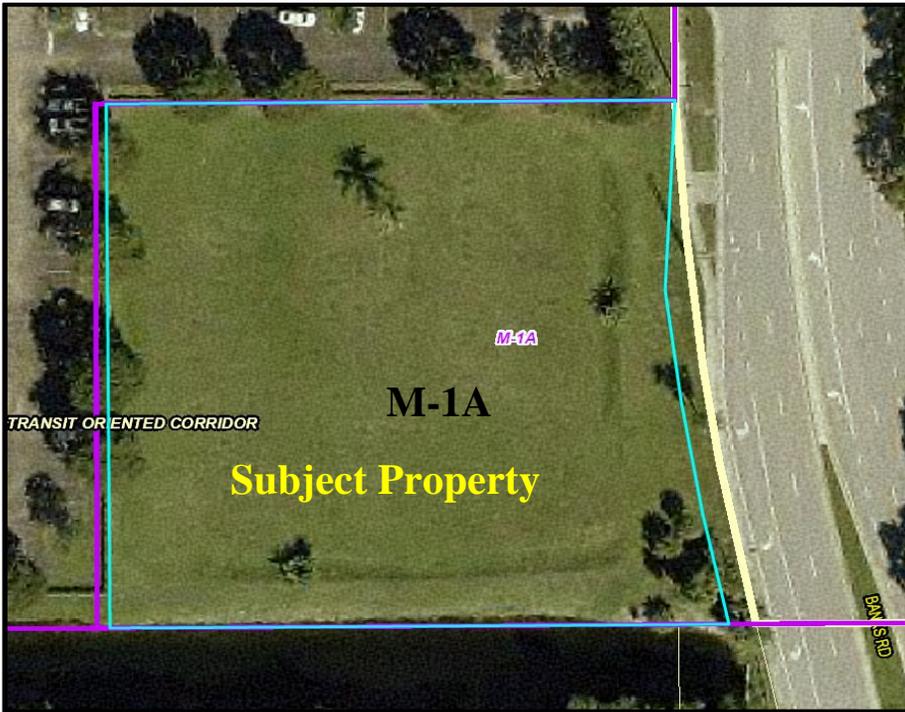


Exhibit 2: City of Margate Official Zoning Map – (M-1A)

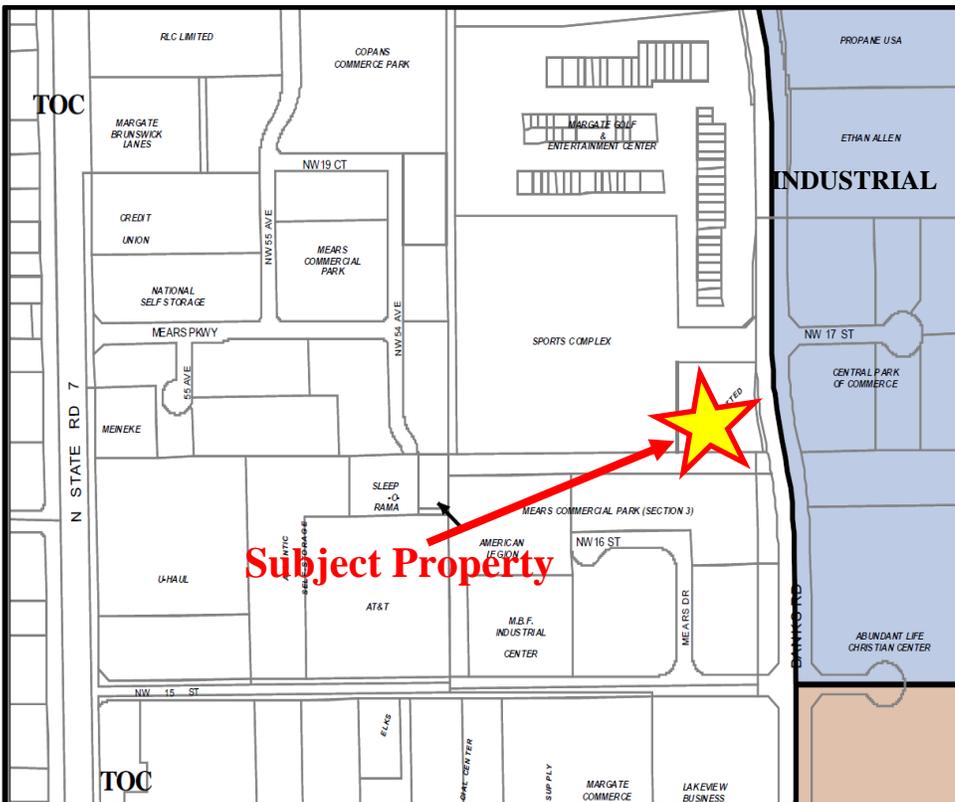


Exhibit 3: City of Margate Future Land Use Map –FLUM (TOC – Transit Oriented Corridor)



Exhibit 4: Field visit November 2016 – Southeast view



Exhibit 5: Field visit November 2016 – Southwest view

This property is currently under site plan review for a covered ball park structure which will serve as an expansion for the adjacent Margate Sports Complex. The property is zoned M-1A Industrial Park District, which does not allow for this type of recreational use (Exhibit 2) but rather only permits industrial uses. The underlying Transit Oriented Corridor (TOC) FLUM designation (Exhibit 3) does allow for this type of use; however, the zoning code does not, proving a direct conflict. In fact, the industrial uses allowed by the zoning code are conversely not allowed by the TOC designation. Objective 4 of the Future Land Use Element states, "Future development and redevelopment activities shall be directed to appropriate locations as designated on the Future Land Use Map, consistent with sound planning principles, natural limitations, and the goals, objectives, and policies contained within this plan, consistent with the requirements of S.163.3202 (1), Florida Statutes." As such, to facilitate this expansion the zoning code designation shall be amended to accurately correspond and comply with the FLUM designation. Moreover, Objective 2 of the Recreation and Open Space Element states, "Land and water designated by the Future Land Use Element as "Parks and Recreation", "Commercial Recreation", "Conservation", or "Open Space" shall be protected from incompatible land uses. The zoning code designation shall be amended to S-1 Recreational District which will be consistent and compliant with the FLUM designation of TOC.

Standards for reviewing proposed amendments to the official Margate Zoning Map:

1. *Whether or not the proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.*

The proposed rezoning for this property will be consistent with goals, objectives and policies of the City's Comprehensive Plan.

2. *Whether or not the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

The subject property is adjacent to the Margate Sports Complex which has an S-1 zoning designation. The properties to the east and south are zoned M-1 Light Industrial. The proposed zoning district is compatible with the surrounding area's designation(s) and existing uses.

3. *Whether or not the subject property is physically suitable for the uses permitted in the proposed district.*

The future use for this district will be for the expansion of the Margate Sports Complex currently under site plan approval. The S-1 Recreational District will allow as-of-right recreational uses as proposed for the expansion, namely the covered ball park. As such, the proposed site is physically suitable for the uses permitted in the proposed district.

4. *Whether or not there are sites available in other areas currently zoned for such use*

This site is directly adjacent to the existing Margate Sports Complex, and is therefore the most suitable site for the proposed expansion.

5. *If applicable, whether or not the proposed change will contribute to redevelopment of an area*

in accordance with an approved redevelopment plan.

The property is currently within and owned by the Margate Community Redevelopment Agency (CRA). Goal III of the 2009 Margate Community Redevelopment Plan states, "Work with the City and County as appropriate to establish and improve parks, recreation, open space, and beautification efforts to create an identifiable character for the Redevelopment Area that will reflect a pleasant appealing atmosphere for working, shopping, touring, and residing." Furthermore, under Goal III, Objective 3 adds that, "The Agency will work with the City to pursue park and recreational opportunities on existing publicly owned lands." As such, the proposed S-1 zoning will be in compliance with the goals and objectives of the 2009 Margate Community Redevelopment Plan.

6. *Whether or not the proposed change would adversely affect traffic patterns or congestion.*

As an addition to the existing Margate Sports Complex, staff finds that this proposed S-1 zoning will not adversely affect traffic patterns or congestion.

7. *Whether or not the proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

- Potable Water
Not adversely affected.
- Sanitary Sewer
Not adversely affected
- Solid Waste
Not adversely affected
- Parks and Open Space
Not adversely affected, on the contrary this rezoning will enhance parks and open space amenities in the City
- Public Schools
Not adversely affected

8. *Whether the proposed change would have an adverse environmental impact on the vicinity.*

The proposed change will not have an adverse environmental impact on the vicinity.

9. *Whether or not the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.*

The proposed change will not adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.

PARCEL 1 CONCLUSION: Staff supports the rezoning from M-1A (Industrial Park District) to S-1 (Recreational District) based upon the above analysis.

PARCEL 2

- Rezoning from R-1C One Family Dwelling District to S-1 Recreational District
- Approximately 11.12 acres
- Located at 655 SW 50th Avenue (Southeast Park)
- Owner: City of Margate



Exhibit 6: Location of property



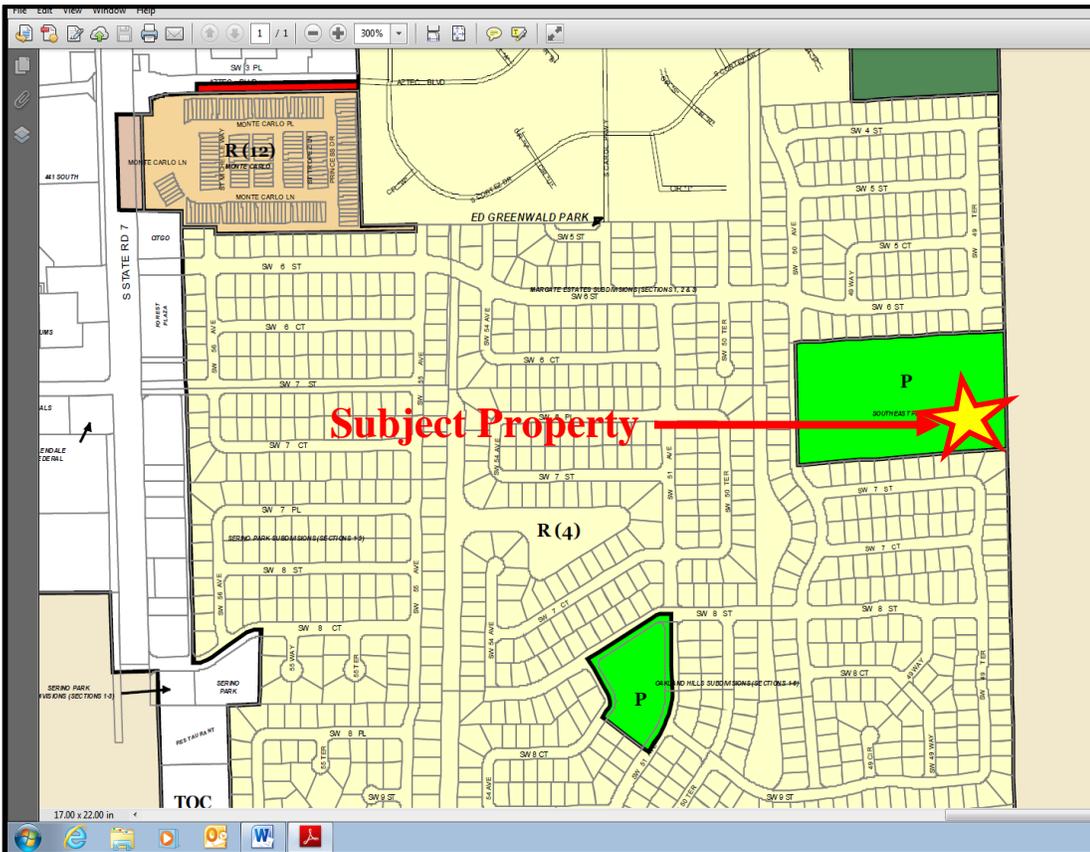


Exhibit 7: City of Margate Future Land Use Map – FLUM (P-PARK)

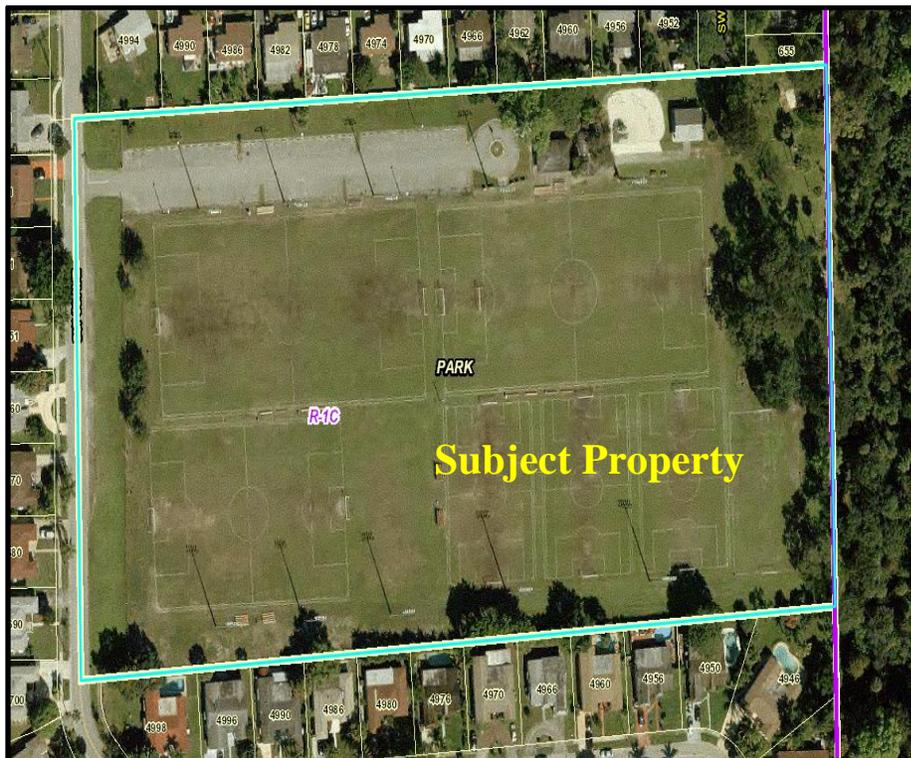


Exhibit 8: City of Margate Official Zoning Map – (R-1C)



Exhibit 9: Southeast Park - Field visit November 2016 – Southeast view



Exhibit 10: Southeast Park - Field visit November 2016 – Southwest view

Southeast Park is owned by the City of Margate and has a FLUM designation of Park (Exhibit 7) which allows for: 1) Public Parks 2) Outdoor cultural, educational and civic facilities, including but not limited to: animal exhibits; habitats; band shells; and, outdoor classrooms 3) Boat ramps and docks 4) Active recreational uses, including but not limited to: tennis courts; playgrounds; swimming pools; athletic fields and courts; and, bikeways 5) Concessions, only when accessory to the above uses. Examples of such concessions are refreshment stands, souvenir shops and rental facilities. The Zoning Code designation is R-1C One Family Dwelling District (Exhibit 8), which allows many uses that are not allowed under the controlling FLUM designation of Park in the Margate Comprehensive Plan. Policy 1.2(f)(4) of the Future Land Use Element states, "The permitted uses for land development regulations shall not exceed those listed below for each land use classification found on the Future Land Use Map. The City's zoning regulations shall not exceed the uses enumerated, but may be more restrictive. Active recreational uses, including but not limited to: tennis courts; playgrounds; swimming pools; athletic fields and courts, and bikeways." For this parcel, the R-1C District allows single-family homes, churches, parochial schools, golf courses, sewer and water treating plants, and educational, recreational and social centers. Most of these uses are incompatible with the Park designation of this parcel under the FLUM map. Furthermore, Objective 2 of the Recreational and Open Space Element states, "Land and water designated by the Future Land Use Element as "Parks and Recreation", "Commercial Recreation", "Conservation", or "Open Space" shall be protected from incompatible land uses." It shall also be noted, that Objective 4 of the of the Future Land Use Element states, "Future development and redevelopment activities shall be directed to appropriate locations as designated on the Future Land Use Map, consistent with sound planning principles, natural limitations, and the goals, objectives, and policies contained within this plan, consistent with the requirements of S.163.3202 (1), Florida Statutes." As such, the Zoning Code designation shall be amended to S-1 to comply with the Park FLUM designation in the Comprehensive Plan.

Standards for reviewing proposed amendments to the official Margate Zoning Map:

1. *Whether or not the proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.*

The proposed rezoning for this property will be consistent with goals, objectives and policies of the City's Comprehensive Plan

2. *Whether or not the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

The property is Southeast Park owned by the City of Margate. The proposed zoning district is compatible with the surrounding area's designation(s) and existing uses.

3. *Whether or not the subject property is physically suitable for the uses permitted in the proposed district.*

The S-1 District will allow as-of-right recreational uses that currently exist on the property. As such, the proposed site is physically suitable for the uses permitted in the proposed district.

4. *Whether or not there are sites available in other areas currently zoned for such use*

There are sites available in other areas currently zoned for S-1 Recreational Use.

5. *If applicable, whether or not the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

The proposed S-1 designation will not contribute to redevelopment of an area in accordance with an approved redevelopment plan. The zoning code designation is merely being corrected for this parcel to comply with the Park designation under the FLUM Map. The subject site is not located within the Margate CRA area.

6. *Whether or not the proposed change would adversely affect traffic patterns or congestion.*

The proposed S-1 zoning will not adversely affect traffic patterns or congestion.

7. *Whether or not the proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

- Potable Water
Not adversely affected.

- Sanitary Sewer
Not adversely affected

- Solid Waste
Not adversely affected

- Parks and Open Space
Not adversely affected; this rezoning will currently depict the amenities on the subject property, and will allow the City to report the property as recreationally zoned, rather than residentially zoned.

- Public Schools
Not adversely affected

8. *Whether the proposed change would have an adverse environmental impact on the vicinity.*

The proposed change will not have an adverse environmental impact on the vicinity.

9. *Whether or not the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.*

The proposed change will not adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.

PARCEL 2 CONCLUSION: Staff supports the rezoning from R-1C (One Family Dwelling District) to S-1 (Recreational District) based upon the above analysis.

PARCEL 3

- Rezoning from R-1D One Family Dwelling District to S-1 Recreational District
- Approximately 1.20 acres
- Located at 1650 NW 68th Avenue
- Owner: BO4 Holdings LLC



Exhibit 11: Location of property

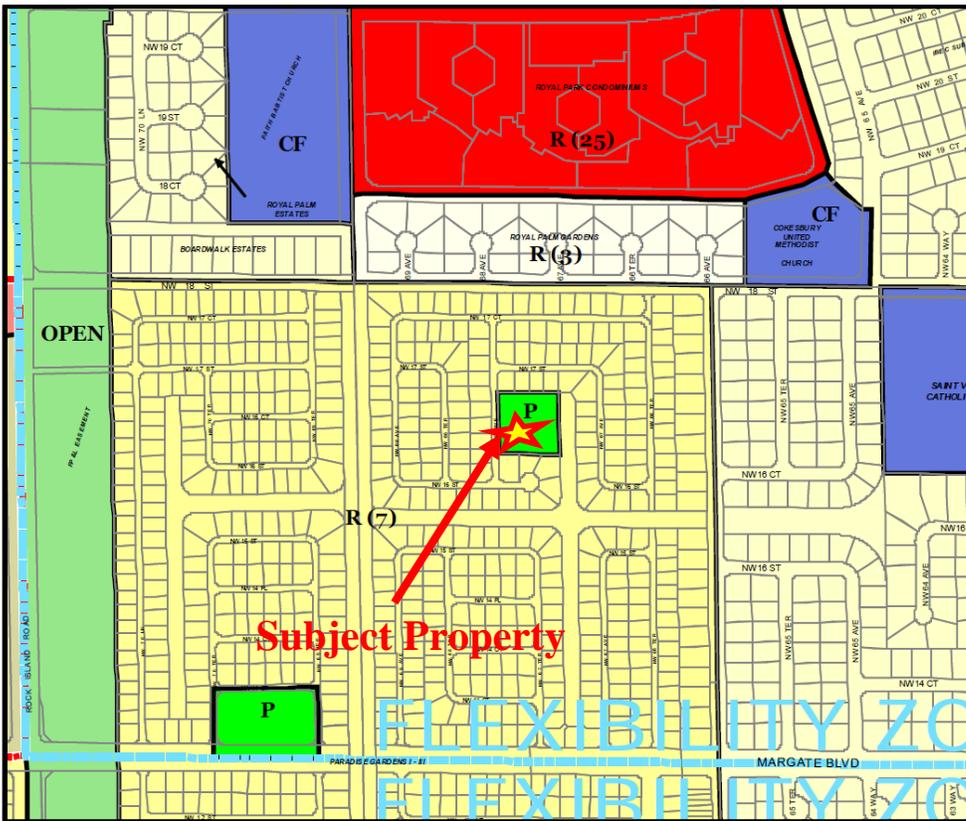


Exhibit 12: City of Margate Future Land Use Map – FLUM (P-PARK)



Exhibit 13: City of Margate Official Zoning Map – (R-1D)



Exhibit 14: Field visit November 2016 – Southeast view – Clubhouse and pool areas



Exhibit 15: Field visit November 2016 – East view - Clubhouse and pool areas

The FLUM designation for Parcel 3 is Park (Exhibit 12), which allows: 1) Public Parks 2) Outdoor cultural, educational and civic facilities, including but not limited to: animal exhibits; habitats; band shells and outdoor classrooms 3) Boat ramps and docks 4) Active recreational uses, including but not limited to: tennis courts; playgrounds; swimming pools; athletic fields and courts; and, bikeways 5) Concessions, only when accessory to the above uses. Examples of such concessions are refreshment stands, souvenir shops and rental facilities. The Zoning Code designation is R-1D One Family Dwelling District (Exhibit 13), which allows many uses that are not allowed under the controlling FLUM designation of Park in the Margate Comprehensive Plan. Policy 1.2(f)(4) of the Future Land Use Element states, "The permitted uses for land development regulations shall not exceed those listed below for each land use classification found on the Future Land Use Map. The City's zoning regulations shall not exceed the uses enumerated, but may be more restrictive. Active recreational uses, including but not limited to: tennis courts; playgrounds; swimming pools; athletic fields and courts; and, bikeways." For this parcel, the R-1D District allows for single-family homes, churches, parochial schools, golf courses, sewer and water treating plants, and educational, recreational and social centers. Most of these uses are incompatible with the Park designation of this parcel under the FLUM map. Furthermore, Objective 2 of the Recreational and Open Space Element states, "Land and water designated by the Future Land Use Element as "Parks and Recreation", "Commercial Recreation", "Conservation", or "Open Space" shall be protected from incompatible land uses." It shall also be noted, that Objective 4 of the of the Future Land Use Element states, "Future development and redevelopment activities shall be directed to appropriate locations as designated on the Future Land Use Map, consistent with sound planning principles, natural limitations, and the goals, objectives, and policies contained within this plan, consistent with the requirements of S.163.3202 (1), Florida Statutes." As such, the Zoning Code designation shall be amended to S-1 to comply with the Park FLUM designation in the Comprehensive Plan.

Standards for reviewing proposed amendments to the official Margate Zoning Map:

1. *Whether or not the proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.*

The proposed rezoning for this property will be consistent with goals, objectives and policies of the City's Comprehensive Plan.

2. *Whether or not the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

The subject property is a clubhouse offering outdoor recreational activities for the surrounding single family neighborhood. The proposed zoning district is compatible with the surrounding area's designation(s) and existing uses.

3. *Whether or not the subject property is physically suitable for the uses permitted in the proposed district.*

The S-1 District will allow as-of-right recreational uses that currently exist on the property. As such, the proposed site is physically suitable for the uses permitted in the proposed district.

4. *Whether or not there are sites available in other areas currently zoned for such use*

There are sites available in other areas currently zoned for S-1 Recreational Use.

5. *If applicable, whether or not the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

The proposed S-1 designation will not contribute to redevelopment of an area in accordance with an approved redevelopment plan. The zoning code designation is merely being corrected for this parcel to comply with the Park designation under the FLUM Map. The subject property is not located within the Margate CRA area.

6. *Whether or not the proposed change would adversely affect traffic patterns or congestion.*

The proposed S-1 zoning will not adversely affect traffic patterns or congestion.

7. *Whether or not the proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

- Potable Water
Not adversely affected.
- Sanitary Sewer
Not adversely affected
- Solid Waste
Not adversely affected
- Parks and Open Space
Not adversely affected; this rezoning will currently depict the amenities on the subject property, and will allow the City to report the property as recreationally zoned, rather than residentially zoned.
- Public Schools
Not adversely affected

8. *Whether the proposed change would have an adverse environmental impact on the vicinity.*

The proposed change will not have an adverse environmental impact on the vicinity.

9. *Whether or not the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.*

The proposed change will not adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.

PARCEL 3 CONCLUSION: Staff supports the rezoning from R-1D (One Family Dwelling District) to S-1 (Recreational District) based upon the above analysis.

PARCEL 4:

- Rezoning from R-1 One Family Dwelling District to S-2 Open Space District
- Approximately 11.20 acres
- Located on the west side of W River Dr. between Lakeshore Dr. and NW 11th St.



Exhibit 16: Location of property

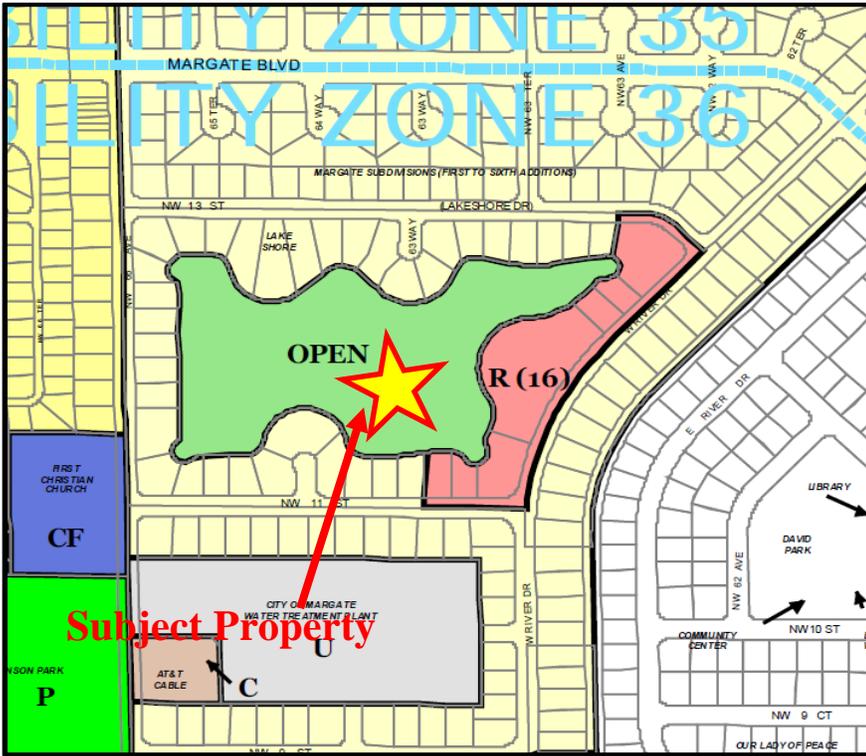


Exhibit 17: City of Margate Future Land Use Map – FLUM (Open Space)



Exhibit 18: City of Margate Official Zoning Map – (R-1)

The FLUM designation for Parcel 4 is Open Space (Exhibit 17), and allows for: 1) Open water areas 2) Maintained open land areas 3) Parking lots that serve an abutting primary use. However, the zoning code designation is R-1 One Family Dwelling District (Exhibit 18), which allows for uses that are not allowed under the controlling FLUM designation of Open Space in the Margate Comprehensive Plan. Policy 1.2(g) of the Future Land Use Element states, "The permitted uses for land development regulations shall not exceed those listed below for each land use classification found on the Future Land Use Map. The City's zoning regulations shall not exceed the uses enumerated, but may be more restrictive." For this parcel, the R-1 District allows single-family homes, churches, parochial schools, golf courses, sewer and water treating plants, and educational, recreational and social centers. These uses are incompatible with the Open Space designation of this parcel under the FLUM map. Policy 1.1(b) of the Future Land Use Element states, "Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space." It shall also be noted, that Objective 3 of the Conservation Element states, "The City shall protect the quality of surface waters." As such, the Zoning Code designation shall be amended to S-2 to comply with the Open Space FLUM designation in the Comprehensive Plan.

Standards for reviewing proposed amendments to the official Margate Zoning Map:

1. *Whether or not the proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.*

The proposed rezoning for this property will be consistent with goals, objectives and policies of the City's Comprehensive Plan.

2. *Whether or not the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

The subject property is a lake that serves the surrounding single family neighborhood. The proposed zoning district is compatible with the surrounding area's designation(s) and existing uses.

3. *Whether or not the subject property is physically suitable for the uses permitted in the proposed district.*

The S-2 District will allow as-of-right open space uses that currently exist on the property. As such, the proposed site is physically suitable for the uses permitted in the proposed district.

4. *Whether or not there are sites available in other areas currently zoned for such use*

There are sites available in other areas currently zoned for S-2 Open Space Use.

5. *If applicable, whether or not the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

The proposed S-2 designation will not contribute to redevelopment of an area in accordance

with an approved redevelopment plan. The zoning code designation is merely being corrected for this parcel to comply with the Open Space designation under the FLUM Map. The subject property is not located within the Margate CRA area.

6. *Whether or not the proposed change would adversely affect traffic patterns or congestion.*

The proposed S-2 zoning will not adversely affect traffic patterns or congestion.

7. *Whether or not the proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

- Potable Water
Not adversely affected.
- Sanitary Sewer
Not adversely affected
- Solid Waste
Not adversely affected
- Parks and Open Space
Not adversely affected; this rezoning will currently depict the amenities on the subject property, and will allow the City to report the property zoned as open space, rather than residentially zoned.
- Public Schools
Not adversely affected

8. *Whether the proposed change would have an adverse environmental impact on the vicinity.*

The proposed change will not have an adverse environmental impact on the vicinity.

9. *Whether or not the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.*

The proposed change will not adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.

PARCEL 4 CONCLUSION: Staff supports the rezoning from R-1 (One Family Dwelling District) to S-2 (Open Space District) based upon this analysis.

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Rezoning: Three parcels to S-1, One parcel to S-2

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FISCAL IMPACT: There is no fiscal impact associated with this request

Benjamin Ziskal
Director of Economic Development

Attachment: Schedules A-D

Schedules

SCHEDULE "A"

FROM: M-1A INDUSTRIAL PARK DISTRICT
TO: S-1 RECREATIONAL DISTRICT
FOLIO: 484230340010

PARCEL 1 - FROM M-1A INDUSTRIAL PARK DISTRICT TO S-1 RECREATIONAL DISTRICT, APPROXIMATELY 1.53 ACRES, LOCATED AT THE SOUTHWEST CORNER OF BANKS ROAD AND NW 17TH STREET

LEGAL DESCRIPTION:

HAIG & DUKE PLAT 175-131 B LOT 1

SCHEDULE "B"

FROM: R-1C ONE FAMILY DWELLING DISTRICT
TO: S-1 RECREATIONAL DISTRICT
FOLIO: 494206000051

PARCEL 2 - FROM R-1C ONE FAMILY DWELLING DISTRICT TO S-1 RECREATIONAL DISTRICT, APPROXIMATELY 11.12 ACRES, LOCATED AT 655 SW 50TH AVENUE

LEGAL DESCRIPTION

6-49-42 GOV LOT 7 AS DESC IN OR 2202/437 LESS PT IN OR 5026/149 FOR RD

SCHEDULE "C"

FROM: R-1D ONE FAMILY DWELLING DISTRICT
TO: S-1 RECREATIONAL DISTRICT
FOLIO: 484125240010

PARCEL 3 - FROM R-1D ONE FAMILY DWELLING DISTRICT TO S-1 RECREATIONAL DISTRICT, APPROXIMATELY 1.20 ACRES, LOCATED AT 1650 NW 68TH AVENUE

LEGAL DESCRIPTION:

PARADISE GARDENS SEC 2 69-34 B PARCEL B

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SCHEDULE "D"

FROM: R-1 ONE FAMILY DWELLING DISTRICT

TO: S-2 OPEN SPACE DISTRICT

FOLIO: 484125040610

PARCEL 4 - FROM R-1 ONE FAMILY DWELLING DISTRICT TO S-2 OPEN SPACE DISTRICT, APPROXIMATELY 11.20 ACRES, LOCATED ON THE WEST SIDE OF W RIVER DR BETWEEN LAKESHORE DRIVE AND NW 11TH STREET

LEGAL DESCRIPTION:

MARGATE 3RD ADD-RESUB OF POR 47-25 B LAKE