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CITY OF MARGATE
STAFF REPORT
ECONOMIC DEVELOPMENT DEPARTMENT

TO: Planning and Zoning Board
Meeting of June 6, 2017

DATE: June 6, 2017

FROM: Benjamin Ziskal, AICP, CEcD
Director of Economic Development

RE: Ordinance creating Sections 31-54 and 31-55 Chapter 31, amending Article IV Chapter 2 and Division 2 Chapter 11, amending Sections 21.3, 23.3, 24.3, 25.3, 11.3, 7.3, 8.4, 9.5, 9.8, 31.7, 36.3, 39.4 Appendix A Code of Ordinances to amend the provisions pertaining to special exceptions and public notice requirements.

RECOMMENDATION: The Director of Economic Development recommends that the Planning and Zoning Board forward a favorable recommendation for the proposed text amendment to the City Commission at its July 5, 2017, meeting,

ISSUE: The Economic Development Department recommends approval of a text amendment, to revise special exception criteria and public notice sign/legal notification letters requirements.

BACKGROUND: In early 2017, the Margate City Commission directed Staff to research and create an ordinance to revise the City's special exception criteria, public notice sign requirements, and legal notification letter requirement. The commission agreed that the current special exception criteria are vague and that the City needs special exception criteria that are stronger and more detailed. Per Section 22.10 of the Margate Code of Ordinances, the current special exception criteria are as follows:

(1) Compatibility of the use and site plan elements with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.
(2) Substantial detrimental effects of the proposal on property values in the neighborhood
(3) Substantial detrimental effects of the use on living or working conditions in the neighborhood.
(4) Ingress and egress to the development and proposed structures, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and refuse collection, and access in the case of fire, catastrophe or emergency.
(5) Off-street parking location, and relationship to buildings and internal traffic patterns with particular reference to automotive and pedestrian traffic safety, traffic flow and control, access in case of fire or emergencies, and screening and buffering.
(6) Orientation, location, size and feature of city buildings and the appearance and harmony of the buildings with nearby development and land uses.
(7) Sufficiency of setbacks, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of site-generated noise, lights, fumes and other nuisances.
(8) Adequacy of stormwater management with attention to the necessity for onsite retention to

alleviate flooding and groundwater pollution without compromising the aesthetics and maintainability of landscaping.
(9) Adequacy of landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of required landscaping along street perimeters.
(10) Compliance with the applicable goals, objectives and policies of the Margate Comprehensive Plan.
(11) Compliance with the goals, objectives and policies of the Margate Community Redevelopment Plan.

The new criteria would be beneficial for more in depth review and analysis of special exceptions with staff reports and presentations. Staff researched the special exception criteria of neighboring cities of the Lauderdale Lakes, Tamarac, Miramar, Coconut Creek, Coral Springs, and Deerfield Beach. As a result of this research, Staff provides the following new criteria for the City of Margate:

(1) The special exception shall be consistent with the purposes, goals, objectives and policies of the Margate Comprehensive Plan and the Margate Code of Ordinances.
(2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
(3) The establishment, maintenance or operation of the proposed use shall only be approved if in the best interest of the City. It shall be determined that a genuine need for the use is present in the City to support and justify the approval of the proposed use, in order to avoid creating an excessive proliferation of said special exception use.
(4) The proposed use shall be compatible with the existing natural environment and community character of the properties within the immediate neighborhood.
(5) Utilities, roadway capacity, drainage, and other necessary public facilities, including police, fire and emergency services, shall exist at the City's adopted levels of service, or will be available concurrent with demand as provided for in the requirements of this Code of Ordinances.
(6) Adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrians, in a manner that minimizes traffic congestion on public streets, and the use may not result in a significantly greater amount of traffic on local streets than would result from a development permitted by right.
(7) There shall be adequate parking areas and off street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas shall be convenient and conducive to safe operation consistent with city standards to the greatest extent possible.
(8) The establishment of the special exception shall not impede the development of surrounding properties for uses permitted in the zoning district nor have a negative impact on the value of those properties.
(9) The design of the proposed use shall minimize adverse effects, including visual impacts, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping and other design criteria.
(10) The City Commission finds that the granting of the application will be in the best interest of the City.

Moreover, the City Commission discussed a desire for the City to take more of a proactive role with advertising and sending out mailing notices to property owners that are affected by development projects. As such, Staff is recommending that for all applications for variances, special exceptions, conditional uses, administrative appeals, plat or plat amendments, rezoning, telecommunications site

development, and Land Use Map Amendments, the applicant shall be responsible for mailing public notices to all real property owners within a 500 foot radius of the subject property at least 14 days prior to a scheduled hearing.

In conjunction with the requirement of mailing notices the applicant shall be required to post a public hearing sign notice on the property at least 14 days prior to the scheduled hearing. For new development, redevelopment, major renovation of an existing structure, facade change, change of use, special exceptions, conditional uses, or any other new construction of a building a six foot sign with a 32 square foot sign face shall be posted on the subject property, see Attachment 1. Moreover, applications consisting of a variance, administrative appeal, plat or plat amendment, rezoning, Land Use Map Amendment, or minor modification to an existing structure a six foot sign with a 16 square foot sign face shall be posted on the property, see Attachment 2.

ANALYSIS

Standards for reviewing proposed amendments to the text of the Code of Ordinances:

1) *The proposed amendment is legally required*

   The proposed amendment is required to revise special exception criteria and public notice sign/legal notification letters requirements.

2) *The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.*

   The proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.

3) *The proposed amendment is consistent with the authority and purpose of the Land Development Regulations.*

   The proposed amendment is consistent with the authority and purpose of the Code of Ordinances.

4) *The proposed amendment furthers the orderly development of the City.*

   The proposed amendment furthers the orderly development of the City.

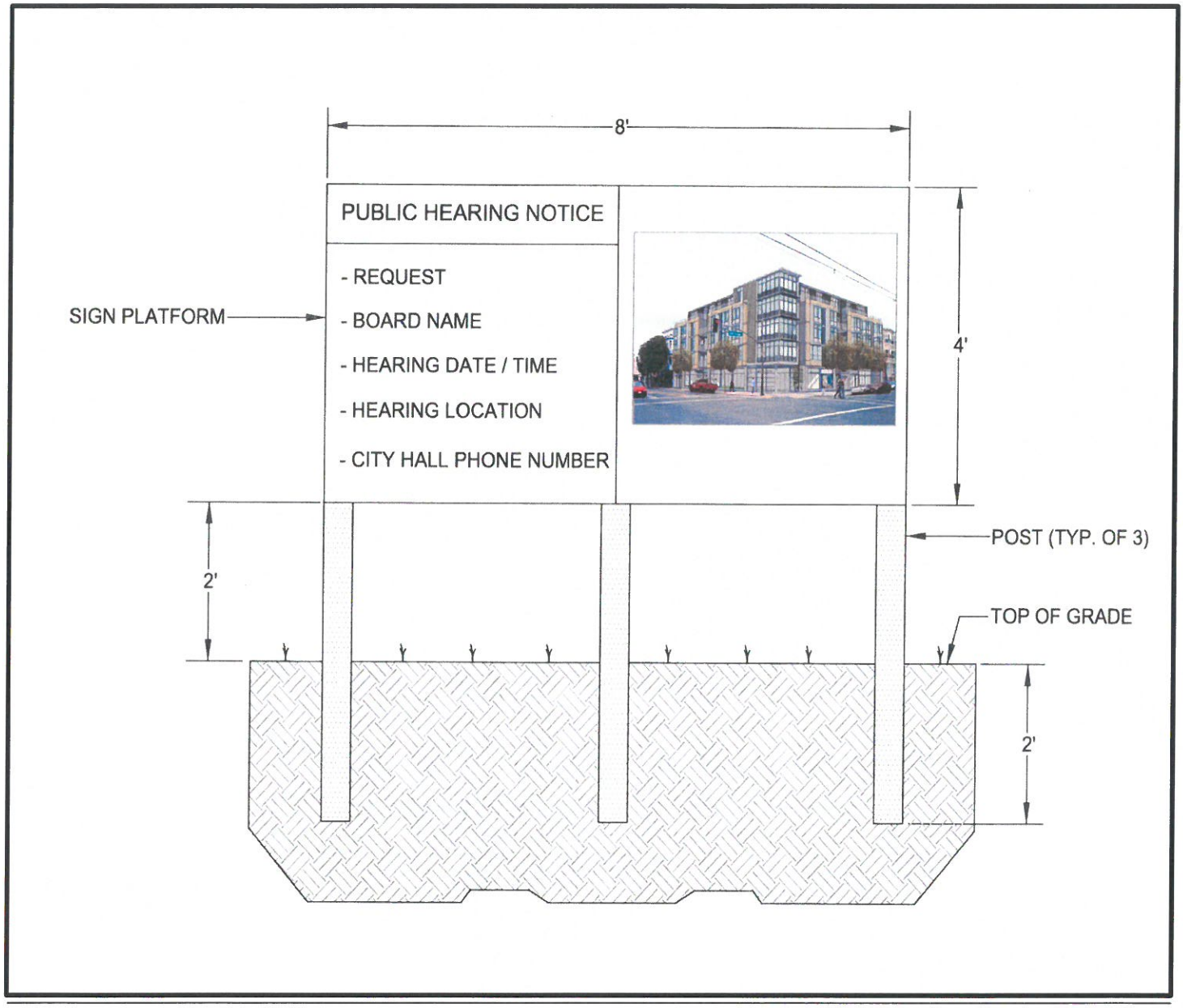
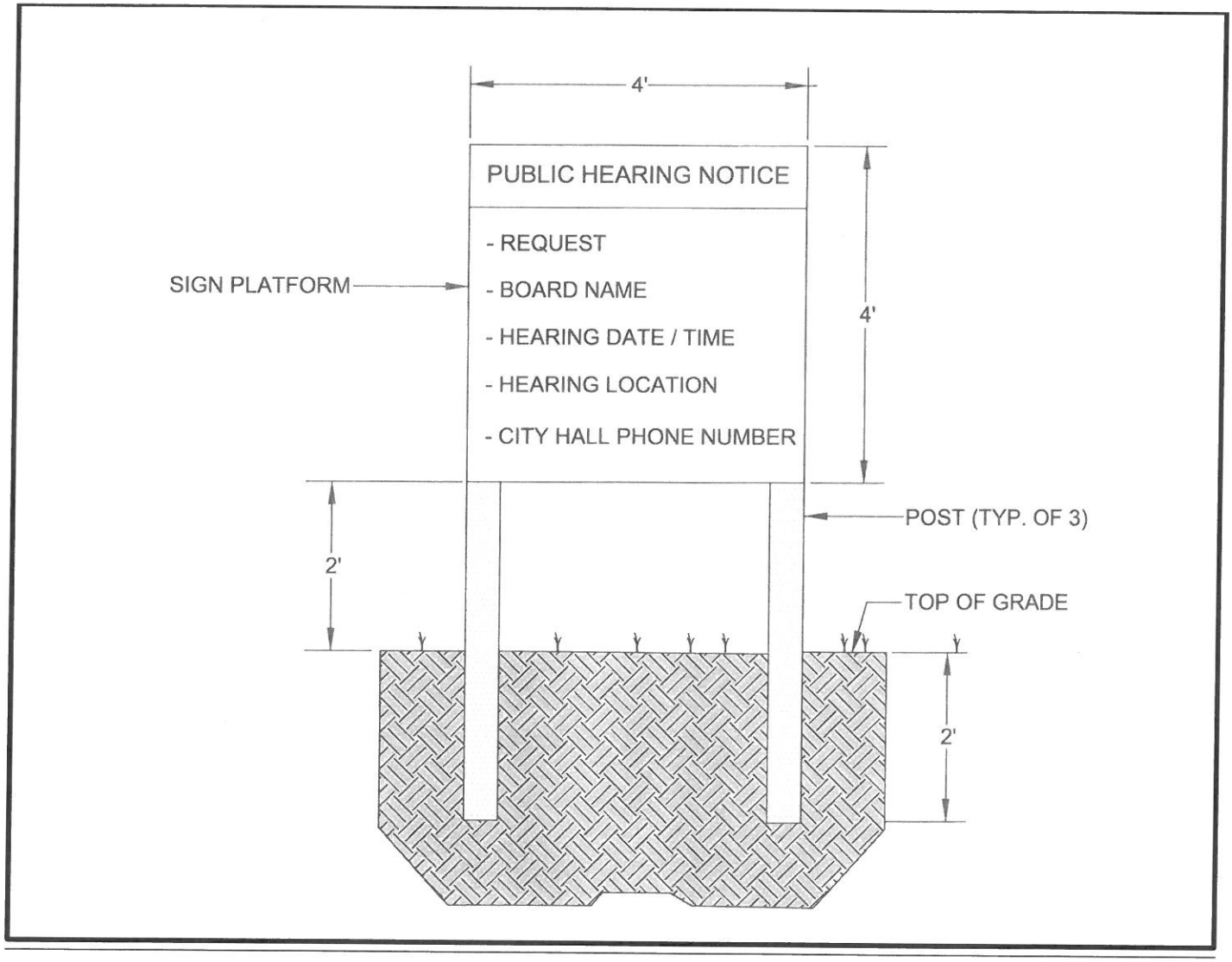
5) *The proposed amendment improves the administration or execution of the development process.*

   The proposed amendment improves the administration or execution of the development process in that it provides staff and applicants with clear and legally enforceable guidelines and processes for reviewing special excpetions and public notice requirements.

FISCAL IMPACT: There is no fiscal impact associated to the City, with this request. As written, all public signs and mailings will be the responsibility of a petitioner, for items requiring them.

Benjamin Ziskal, AICP, CEcD
Director of Economic Development

Attachment 1



Attachment 2