



CITY OF
MARGATE
Together We Make It Great

Board and Committee Members Orientation

Welcome

- Welcome and thank you for serving your city!



Board Creation

- ❖ Sec. 40.323 (A) - Board of Adjustment (BoA)
- ❖ Sec. 40.324 (A) - Planning and Zoning Board/Local Planning Agency (PZB/LPA)
- ❖ Both:
 - 5 member board, 1-year terms
 - Officers: Chair, vice-chair, and secretary
 - Advisors: City Manager, City Building Inspector, City Attorney, and other such officials

General

- ❖ Both boards meet on the 1st Tuesday of every month, unless canceled due to a lack of agenda items 40.323(B) and 40.324(B)
 - ❖ BoA starts at 6:30 p.m.
 - ❖ PZB starts at 7 p.m., or immediately following the Board of Adjustment*
- ❖ Board Members may not miss more than 2 **regular** meetings in a calendar year. (2-74)

Board Substitutions

❖ Sec. 40.323 (B) Substitute members (BoA)

❖ Sec. 40.324 (F) Substitute members (PZB)

- Chairperson may authorize substitution for any temporary absence or disqualification
- Must use hierarchy to invite sub (Chair → vice chair → secretary → board members)
- Substitution limited to 3 months
- Limited to 1 substitute at a time

BoA Items

- ❖ Variance to the terms of the Zoning Code 40.323 (E)
 - Excluding use variances
 - General Criteria - 40.323(E)2
 - Sign Code Waiver - 40.706(S)
 - Color Palette - 40.355(D)1c
 - Tree Preservation as grounds for variance 40.704(N)13a
- ❖ Appeal of administrative decision or order in implementing the Zoning Code 40.323 (E)

BoA Purpose

❖ What is a variance?

- “The procedure where the strict application of the provision of the zoning regulation relating to area, duration, height, setback or setback requirements may be modified in a particular instance when certain criteria based on substantial competent evidence are met. Variances relating to use, are not included in this definition and are prohibited.” 40.201(C)

❖ 1922- Standard State Zoning Enabling Act

- Administrative remedy for inverse condemnation

Nature of BoA

❖ Quasi-Judicial

- All parties sworn in before providing testimony
- Decisions based on competent substantial evidence
- Must meet criteria
- No precedents for variances
- Disclose ex parte communication
- Must be present during entire hearing of item
- Recuse when there is conflict of interest

❖ Rulings generally final, unless appealed to City Commission*

Variance Criteria 40.323 (E)²

- * Six general criteria
- * Staff to provide analyses and recommendation
- * Applicant has burden of proof 40.300(D)

Planning & Zoning Board

❖ Sec. 40.324 (D) Duties generally

- To act as the Local Planning Agency (LPA), per 163.3174, F.S.
- To act in an advisory capacity and make recommendations to the City Commission.

Local Planning Agency

❖ FS 163. 3174 Local planning agency (continued)

- Agency responsible for the preparation of the comp plan or amendment, and shall make recommendations to the governing body regarding the adoption of such plan or amendment.
- Prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or amendment.

Local Planning Agency

❖ FS 163. 3174 Local planning agency (continued)

- Monitor and oversee the effectiveness and status of the comp plan and recommend to the governing body such changes in the comp plan as may from time to time be required, including the periodic Evaluation and Appraisal Report (EAR)
- EAR required every 7 years, next Margate EAR due January 2031

Local Planning Agency

❖ FS 163. 3174 Local planning agency (continued)

- School Board rep included as nonvoting member of LPA for rezoning and/or comprehensive plan amendment that could result in increased residential density. City may grant voting status to School Board member.
- TRILA*

Comprehensive Plan

- ❖ “The local comprehensive plan ... is the foundational policy document for local governments. It establishes a framework to guide public and private decisions about future growth, preservation, and change within a municipality or county over the next 20 to 30 years.”
(APA – PAS Notes 52)

Typical PZB Items

- ❖ Special exception use applications
- ❖ Plats, subdivision resurveys, and amendments
- ❖ Amendments to zoning/land development regulations
- ❖ Amendments to the Comprehensive Plan
- ❖ Rezoning applications
- ❖ Review of grant applications

Nature of PZB/LPA

❖ Advisory

- City Commission makes final decision

Helpful Resources

❖ Comp Plan available online:

- <https://www.margatefl.com/201/Planning>

❖ Zoning Map available online:

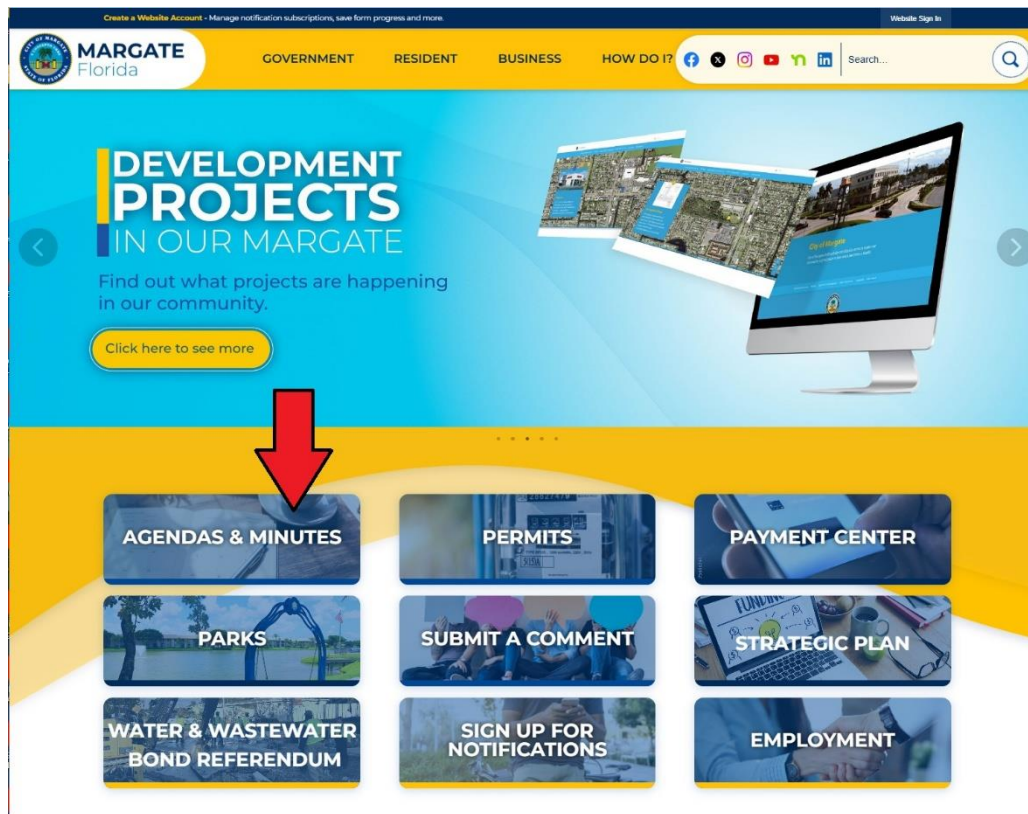
- <https://www.margatefl.com/202/Zoning>

❖ Code available online:

- https://library.municode.com/fl/margate/codes/code_of_ordinances


Application Materials

❖ <https://margatefl.com/>



Application Materials

❖ <https://margatefl.legistar.com/Calendar.aspx>

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Home Legislation Calendar Departments

List View Calendar View

Search: 2020 Board of Adjustment ☐ notes ☐ closed captions

Search Calendar Help

If you would like the minutes in an alternate format, please contact the Clerk's Office at (954) 935-5326

Name	Meeting Date	Meeting Time	Meeting Location	Meeting Details	Agenda Summary	Minutes	Audio/Video
Board of Adjustment	12/1/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	11/9/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	10/6/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	9/1/2020	6:30 PM	Virtual Meeting https://us02web.zoom.us/j/89859595802	Meeting details	Agenda Summary	Not available	Audio/Video
Board of Adjustment	8/4/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	7/7/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	6/2/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	5/5/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	4/7/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	3/3/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available
Board of Adjustment	2/4/2020	6:30 PM	Commission Chambers	Meeting details	Agenda Summary	Minutes	Audio/Video
Board of Adjustment	1/7/2020	6:30 PM	CANCELED	Meeting details	Agenda Summary	Not available	Not available

Application Materials

❖ ID 2020-291 – Text File

❖ Links



City of Margate

**Summary Agenda
Board of Adjustment**

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

Tuesday, September 1, 2020

6:30 PM

Virtual Meeting

<https://us02web.zoom.us/j/89859595802>

CALL TO ORDER

1) NEW BUSINESS

- A. [ID 2020-312](#) ORIENTATION FOR BOARD OF ADJUSTMENT BOARD MEMBERS
- B. [ID 2020-314](#) ELECTION OF CHAIRPERSON OF THE BOARD OF ADJUSTMENT
- C. [ID 2020-315](#) ELECTION OF VICE-CHAIRPERSON OF THE BOARD OF ADJUSTMENT
- D. [ID 2020-316](#) ELECTION OF SECRETARY OF THE BOARD OF ADJUSTMENT
- E. [ID 2020-291](#) **BA-03-20** VARIANCE REQUEST TO ALLOW AN ADDITION TO A SINGLE FAMILY DWELLING TO ENCROACH 7.35 FEET INTO THE REQUIRED 15-FOOT REAR SETBACK AND MAINTAIN 400 SQUARE FEET OF TREE CANOPY AREA THAN THE REQUIRED 850 SQUARE FEET OF TREE CANOPY AREA FOR SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS.

Attachments:

[BACKGROUND: APPLICATION](#)
[BACKGROUND: SURVEY](#)
[BACKGROUND: LANDSCAPE PLAN](#)
[BACKGROUND: STATEMENT OF SUPPORT](#)
[BACKGROUND: VARIANCE LETTER](#)
[BACKGROUND: STAFF REPORT](#)
[BACKGROUND: PRESENTATION](#)

2) GENERAL DISCUSSION

ADJOURNMENT

The Future of Margate is in our
hands....



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