



November 3, 2021

Dennis Mele
Greenspoon Marder
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

Delivered Via Email Only

RE: Abundant Life Christian Centre, Inc - 1490 Banks Road

Mr. Mele,

This letter confirms staff's interpretation of the existing and proposed use of the Abundant Life Christian Centre, Inc. ("Applicant") property located at 1490 Banks Road ("Subject Property") in the City of Margate. The current configuration of the Subject Property is a combination church, school, and daycare facility, where the school and daycare were permitted incidental to the church.

Applicant's most recently requested plat note amendment constitutes a change of use to the Subject Property that requires a special exception approval by the City Commission. The following timeline was prepared to explain how staff arrived at this conclusion:

- **December 16, 1987** – Subject Property was rezoned from M-1A to CF-1 via Ordinance 1500.329
- **September 10, 1991** – Applicant opened city utility account at Subject Property. At this time the CF-1 zoning district permitted uses included, "Churches, synagogues, and religious school *incidental* to same on the same plot. Such use shall be located on a plot having at least forty thousand (40,000) square feet, and at least two hundred (200) feet of street frontage." [emphasis added]
- **March 3, 1992** – County Commission approved plat note amendment (19315/957) to the restriction on Central Park of Commerce for Applicant, as follows:

FROM: 300,000 sq. ft. of restricted warehouse use on remainder of plat

TO: 73,558 sq. ft. of church and 3,075 sq. ft. of day care on Lots 1,2,3 Block 2 and 157,825 sq. ft. of warehouse on the remainder of the plat [emphasis added]

- **July 13, 1994** – City Commission approved athletic fields as special exception use at 1494 Banks Road for Applicant via Resolution 07-652

Development Services Department

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City Commission

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Vice Mayor Antonio V. Arserio
Tommy Ruzzano
Anthony N. Caggiano
Joanne Simone

City Manager

Cale Curtis

Interim City Attorney

Weiss Serota Helfman
Cole & Bierman

City Clerk

Joseph J. Kavanagh

- **September 17, 2003** – City Commission adopted ordinance 1500.495, which limited accessory uses to 25% of gross floor area of principal use
- **November 5, 2007** – City Commission approved Applicant's request for plat note amendment (45398/703) to change the restriction on Central Park of Commerce via Resolution 11-080, as follows:

FROM: "Lots 1, 2, and 3, Block 2 are restricted to *73,558 square feet of church* and 3,075 square feet of day care;"

TO: "Lots 1, 2, and 3, Block 2, are restricted to *50,752 square feet of church use* (43,330 square feet of existing and 7,422 square feet of proposed); *23,881 square feet of existing private school*; and 6277 square feet of existing day care;"
[emphasis added]

- **June 5, 2013** – City Commission adopted Ordinance 1500.598, which amended the CF-1 permitted uses related to religious uses and schools as follows:

Permitted uses:

~~Churches, synagogues,~~ Houses of worship and religious schools ~~incidental to same~~ on the same plot. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of street frontage.

Special exception uses:

Private academic schools, including VPK (voluntary prekindergarten), elementary, middle and senior schools unless located on the same plot as a house of worship. Such use shall be located on a plot at least four (4) acres in area.

- **February 15, 2017** – City of Margate adopted Ordinance 2017-1500.626, which amended the CF-1 permitted uses related to religious uses and school as follows:

Permitted uses:

Houses of worship and schools on the same plot. Such use shall be located on a plot having at least forty thousand (40,000) square feet and at least two hundred (200) feet of street frontage. Private academic schools, including VPK, may be permitted as an accessory use when located on the same plot as an existing house of worship.

Special exception uses:

~~Private academic schools, including VPK (voluntary prekindergarten), elementary, middle and senior schools~~ unless located on the same plot as a house of worship. Such use shall be located on a plot at least four (4) acres in area. Public or private elementary, middle, or high school, subject to the following:
[emphasis added]

- **March 9, 2021** – The Margate Development Review Committee heard Applicant's request for a plat note amendment to change the restriction on Central Park of Commerce, as follows:

FROM: "Lots 1, 2, and 3, Block 2, are restricted to *50,752 square feet of church use* (43,330 square feet of existing and 7,422 square feet of proposed); *23,881 square feet of existing private school*; and 6277 square feet of existing day care;"

TO: "Lots 1, 2, and 3, Block 2, are restricted to *75,000 square feet of private school* and 7,000 square feet of day care;" [emphasis added]

When the Applicant moved to the Subject Property in 1991, the property had a zoning designation of CF-1 Community Facilities district. This zoning district permitted churches by right, and allowed religious schools as an incidental use if located on the same property as a church. The Margate Zoning Code required an 'incidental use,' be located on the same plot as the principal use. In 2013, Ordinance 1500.598 deleted the words 'religious' and 'incidental' where the CF-1 district describes a school on the same plot as a church. In 2017, Ordinance 2017-1500.626 added language that impacted the relationship between a church and school on the same plot, such that the school could only be permitted as an accessory use to a house of worship.

Currently, Section 2.2 of the Margate Zoning Code provides the following definitions for 'accessory use' and 'use, principal or main':

Accessory use: A use that is naturally and customarily incidental to, subordinate to, and subservient to the principal use and is permitted on the subject lot after the principal structure is permitted. Such uses shall comply with the performance criteria set forth below:

- (a) Is located on the same lot as the principal use; and
- (b) Contributes to the comfort, convenience, or necessity of the principal use; and
- (c) *Does not exceed twenty-five (25) per cent of the gross floor area of the principal use*; and
- (d) Is operated and maintained under the same ownership as the permitted principal use.

Use, principal or main: The primary use of the plot as distinguished from secondary or accessory uses. There may be more than one (1) "principal or main use" on a plot.

As indicated above, accessory uses are limited to a maximum of 25% of the gross floor area of the principal use. This size limitation was introduced to the definition of accessory use in 2003, via Ordinance 1500.495. When the Applicant first introduced a private school to Subject Property, it was permitted as an incidental use to the church and incidental uses were not subject to the 25% size restrictions. The adoption of Ordinance 2017-1500.626 made the permitted incidental school facilities at the Subject Property a legally non-conforming use in the CF-1 zoning district, because the school occupied approximately 32.49% of the building area of the Subject Property at the time.

Staff comments for the March 9, 2021, Development Review Committee meeting provided that based on the proposed use of the Subject Property described in the requested plat note verbiage, a special exception was required for the private school use. The Broward County Property Appraiser's website indicates that the adjusted building square footage of the Subject Property is currently 73,831 square feet. The current plat note restriction applicable to the Subject Property allows for 50,752 square feet of church use and 23,881 square feet of private school. The proposed plat note restriction removes the approved principal use as a church and provides that a private school will be the use for 75,000 square feet, changing the principal use from church to private school.

Additionally, on July 12, 2021, City staff received the Applicant's emailed request to, among other things, consider a revised plat note amendment, which would read, "Lots 1, 2 and 3, Block 2 of this Plat are restricted to 75,000 square feet of private school (including 20,000 square feet of auditorium) and 7,000 square feet of day care use." Understanding that the size of the proposed private school will be 75,000 square feet, or 91% of the total future floor area of the Subject Property, the proposed private school will be the principal use of the Subject Property.

Currently, Margate Zoning Code Section 11.3 provides that a private school as a principal use in the CF-1 Zoning District may be allowed as a special exception subject to the procedures and criteria set forth in Section 31-54 of the Code of Ordinances of the City of Margate. The process for a special exception application includes submittal of an application, preliminary site plan meeting technical requirements for a final site plan, review by the development review committee and planning and zoning board, and review by the City Commission for a decision on the application. The review criteria, as well as the application submittal requirements are included in the Margate Zoning Code and Margate Code of Ordinances Chapter 31.

If the Applicant seeks to appeal this determination, please refer to Section 2-80 of the Code of the City of Margate which provides, in part, appeals of the decision of an administrative officer in the enforcement of zoning regulations shall be filed within thirty (30) days of the administrative officer's decision. Enclosed with this letter is a Board of Adjustment application for an administrative appeal. Should you have any questions, please feel free to contact me at 954-979-6213, or via email at etaschereau@margatefl.com.

Sincerely,



Elizabeth Taschereau
Development Services Director

Cc: Cale Curtis, City Manager
David N. Tolces, Interim City Attorney