



INTEROFFICE MEMORANDUM FROM THE OFFICE OF THE DEPARTMENT OF DEVELOPMENT SERVICES

TO: Board of Adjustment

FROM: *Liz Taschereau*
Liz Taschereau, Development Services Director

CC: Cale Curtis, City Manager
David Tolces, Interim City Attorney

DATE: November 16, 2021

RE: Abundant Life Christian Centre, Inc. – Appeal of Site Plan Requirement

Abundant Life Christian Centre, Inc. ("Applicant") submitted an appeal to an administrative determination on Friday, November 12, 2021. The application was forwarded to my attention on Monday, November 15, 2021. Section 2-80 of the Code of the City of Margate provides that I prepare a statement in writing of points involved and my interpretation of the ordinances or regulations governing same and my ruling thereof and shall furnish copies of such statement to the board of adjustment and to the manager of the city.

On March 9, 2021, the Development Review Committee heard Applicant's plat note amendment application for the Central Park of Commerce plat, where the Abundant Life Christian Centre, Inc. property ("Subject Property") is located. The requested note amendment was depicted as follows:

"CURRENT/FROM:

Parcel A is restricted to 200,000 square feet of commercial use;

Parcel B is restricted to 70,300 square feet of office use (16,609 square feet existing and 53,691 square feet proposed), a 220 sleeping room (110 dwelling unit equivalents) Special Residential Facility, Category (3), and 93,000 square feet of self storage use. Commercial/retail uses and freestanding office buildings are not permitted within the self storage use without approval of the Board of County Commissioners who shall review and address these uses for increased Impacts. Industrial buildings may have no more than 30% ancillary office per bay or single tenant building;

Lots 1, 2 and 3, Block 2 are restricted to 50,572 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 6,277 square feet of existing day care use.

Lots 1 and 2, Block 3 to be limited to 24,594 square feet of commercial recreation use; and 133,325 square feet of warehouse on the remainder of the Plat.

TO:

Parcel A is restricted to 200,000 square feet of commercial use;

Parcel B is restricted to 70,300 square feet of office use (16,609 square feet existing and 53,691 square feet proposed), a 220 sleeping room (110 dwelling unit equivalents) Special Residential Facility, Category (3), and 93,000 square feet of self storage use. Commercial/retail uses and freestanding office buildings are not permitted within the self storage use without approval of the Board of County Commissioners who shall review and address these uses for increased Impacts. Industrial buildings may have no more than 30% ancillary office per bay or single tenant building;

Lots 1, 2 and 3, Block 2 of this Plat are restricted to 75,000 square feet of private school and 7,000 square feet of day care use.

Lots 1 and 2, Block 3 to be limited to 24,594 square feet of commercial recreation use; and 133,325 square feet of warehouse on the remainder of the Plat."

A zoning boundary bisects the Subject Property, whereas the north half is located within the M-1A Industrial Park district, and the south half is located within the CF-1 Community Facility district. The south half of the Subject Property is where the principal structure is located. Since the principal structure will house the principal use of the property, staff reviewed the CF-1 zoning district permitted uses for this plat note application. Upon review of the requested plat note and the uses permitted in the CF-1 district, it was determined that a special exception must be granted by the City Commission before the requested use reflected in the plat note application could be approved. This determination is reflected in the March 9, 2021 DRC staff comments. A letter dated November 3, 2021 was provided to Dennis Mele further clarifying the necessity of special exception use. Both the staff comments and letter have been attached for reference. The attachments firmly establish that the proposed use of the property constitutes a special exception use, which requires City Commission approval in order to be permitted on a given property.

Applicant's appeal is focused on the Code requirement to provide a site plan with a special exception use application. The reason that staff advised the Applicant to provide a site plan is that it is a code requirement. The permitted uses of the CF-1 district are described in Section 11.3 of the Margate Zoning Code. When describing special exception uses, this section reads, in part, "The City Commission shall consider all applications for special exception approval pursuant to the procedures and criteria set forth in Chapter 31, Section 31-54 of the Margate Code of Ordinances." Paragraph (B) of Section 31-54 of the Code of the City of Margate begins with the following:

“(b) Application requirements. No use designated as a special exception shall be established until after such use has received approval under the provisions of this section and has received all permits required by this Code of Ordinances and the Florida Building Code. An application for special exception approval shall be filed with the development services department on forms provided. The application shall include:

- (1) A preliminary site plan, meeting the technical requirements for a final site plan and containing all relevant information necessary for review, including, but not be limited to, the following:”

The basis of staff’s determination that a site plan is required to accompany a special exception application is the requirement provided in City’s Code. There are no exemptions or exceptions to this requirement.

Applicant has indicated that because no physical alterations are proposed at this time, that a site plan should not be required. Prior to the adoption of Ordinance 2017-14 on August 23, 2017, the Margate Zoning Code provided different special exception application requirements, depending upon whether an applicant proposed to re-use an existing site/building, or whether an applicant proposed new construction or redevelopment of a site. The old Code was formerly named, “Section 22.11. Site data required for existing buildings for a special exception use.” A copy of Ordinance 2017-14 has been attached. Whereas, under the old Code, if an applicant proposed to re-use an existing building and proposed no new construction, applicant was able to provide a survey of the subject property rather than a full site plan. As this section was deleted in its entirety via Ordinance 2017-14, and replaced with Code language that provides that a special exception application *shall* include a site plan, staff interprets the code to mean that each application for a special exception use shall include a site plan.

As part of the Special Exception Use approval process, the site plan is a primary piece of evidence used to determine whether the application complies with City Code requirements. As this Special Exception Use is a quasi-judicial matter, the City Commission would utilize the site plan as part of its determination as to whether the Special Exception Use application meets the City’s Code requirements.

The Site Plan would typically be used, in part to determine whether the Special Exception use application meets the general standards of review provided in Section 31-54 of the Code of the City of Margate, as follows:

- “(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 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."

In addition, Section 11.3(B) of the Margate Zoning Code would also require the applicant to depict the location of student drop-off area on the site plan in order to ensure that the drop-off areas are provided in safe locations.

In this application for appeal, representatives for the Applicant state, "The Applicant is not making any physical modifications to the Property that would otherwise require approval of a site plan and the existing private school has been operating since approximately 1990." While the applicant may not construct any new buildings on the property as part of this application, the fact that they are changing over 43,000 sq. ft. of existing church space to school use establishes the need for a site plan.

Additionally, in anticipation of any future building permit applications the city code requirement for a site plan at this time is justified due to the change of use from church space to school.

For all the reasons described above, staff finds that a site plan is required to be included for this special exception use application.



Development Services Department

901 NW 66th Avenue, Margate, FL 33063 • Phone: (954) 979-6213

www.margatefl.com • dsd@margatefl.com

CITY OF MARGATE DEVELOPMENT REVIEW COMMITTEE (DRC) REVIEW #1 *March 9, 2021*

PROJECT NAME:		Abundant Life Christian Centre, Inc.	
PROJECT NUMBER:		2021-085	
LOCATION:		1490 Banks Road	
APPLICANT/AGENT:		Dennis D. Mele, Esq. agent for Bishop Richard Thomas	
REVIEW/APPLICATION		Plat Note Amendment	
DISCIPLINE	REVIEWER	EMAIL	TELEPHONE
DRC Chairman	Elizabeth Taschereau – Director	etaschereau@margatefl.com	(954) 884-3686
Planning	Andrew Pinney – Senior Planner	apinney@margatefl.com	(954) 884-3684
Planning	Alexia Howald – Associate Planner	ahowald@margatefl.com	(954) 884-3685
Building	Richard Nixon – Building Official	rnixon@margatefl.com	(954) 970-3004
Engineering	Pedro Stiassni – Engineer	pstiassni@margatefl.com	(954) 884-3635
Fire	David Scholl – Fire Department	dscholl@margatefl.com	(954) 971-7010
Public Works	Mark Collins – Director	mcollins@margatefl.com	(954) 972-8126
CRA	Vacant		
Police	Lt. Ashley McCarthy – Police Department	amccarthy@margatefl.com	(954) 972-1232

Any questions regarding the DRC comments, please contact the appropriate department.

Applicant is required to provide a response letter addressing **EACH** comment and to revise plans accordingly (*acknowledgements are not corrections*).

DRC comments are as follows:

DEPARTMENTAL COMMENTS

BUILDING

1. No comments

ENGINEERING

The Director of the Department of Environmental and Engineering Services, or his qualified designee, has conducted a review of the submitted documentation in accordance with Article IV, Chapter 31 of the City of Margate's Code of Ordinances and finds the following:

A. TRAFFICWAYS

The Traffic Statement submitted with the application indicates that the number of daily trips is 1,234 and exceeds the threshold of 500 which was the trigger for a "Traffic Impact Statement" (TIS).

The current Level of Service (LOS) for Coconut Creek Parkway, Banks Road and Copans Road is LOS D and the TIS indicates surplus capacity for all three roadways to the extent that the additional trips generated by the project will not change the current LOS for all three roadways.

In addition, the TIS analyzed the onsite accumulation of vehicles for the proposed maximum student capacity and determined that "the school has sufficient on-site accumulation capacity to prevent traffic backing up onto Banks Road during the school's arrival and dismissal peak periods".

The Code requires that the Traffic Statement "shall assess the impact of the proposed development on all public streets and intersections within a one-mile radius of the perimeter" of the project.

The TIS failed to address the impact of the trips generated on streets and intersections within a one-mile radius.

A. POTABLE WATER AND WASTEWATER

Based on 465 students (50 pre-school, 262 elementary school, 130 middle school and 23 high school), the service demand of 7,205 GPD will be met by the City's water and wastewater plants.

Please note that this determination shall not be construed as a reservation of capacity for the development unless a developer’s agreement has been executed with the City specifically reserving water and wastewater treatment capacity.

B. DRAINAGE

Provide copies of the permits and associated documentation, including plans and drainage calculations, referenced in your concurrency review. Such documentation shall demonstrate that the proposed site has been approved and accepted by Cocomar Water Control District and SFWMD.

C. SOLID WASTE

The owner shall contract with the City’s vendor for waste collection (Waste Management) to provide service.

The owner shall select from a list of City approved vendors for recycling services.

D. RECREATION

N/A

E. GENERAL

Most of the property is located within a Flood Zone, Shaded Zone X, with the exception of strips to the north and south which are in a AE Flood Zone.

FIRE

1. No comments

PUBLIC WORKS

1. No comments

POLICE

1. No comments

DEVELOPMENT SERVICES

COMMENT 1: The traffic statement provided has a number of general errors.

- Coconut Creek Parkway is incorrectly identified as Coconut Creek Drive.
- The subject property is incorrectly identified as being located within the City of Coconut Creek, rather than properly located within the City of Margate.

Correct before application proceeds.

COMMENT 2: The application request is to permit use of the entire building as a school, rather than a church and a school. Presumably, this would imply an increase in school capacity. Why was the traffic analysis performed using the current enrollment rather than the projected maximum capacity once the school expands and encompasses the entire building?

Correct before application proceeds.

I. CONFORMITY WITH CODE

COMMENT 3: A special exception use must be approved by the City Commission prior to the school operating without a church on site to share the facility. In the CF-1 zoning district, a religious use such as a church or synagogue is permitted by right, and may have a school as an accessory use to the religious use. The definition of accessory use provided in Section 2.2 of the Margate Zoning Code has specific performance criteria that must be satisfied. If the church is vacating the premises and the school is expanding to make full use of the building, then school use becomes a special exception use, per Section 11.3 of the Margate Zoning Code.

Section 11.3. - Permitted uses.

(A) 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 one of the following:

(1) 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.

(2) Hospitals, detoxification facilities, and long-term care facilities not including correctional or mental institutions, nor veterinary hospitals. 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.

(3) Municipal buildings, fire stations, libraries, public offices, parks, playgrounds, reservations, parking.

(4) Accessory structure or use which is clearly incidental or subordinate to the principal use and which use is located on the same plot.

(B) **Special exception uses.** Special exception uses may be deemed appropriate to provide a complete distribution of 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. The City Commission shall consider all applications for special exception approval pursuant to the procedures and criteria set forth in [Chapter 31, Section 31-54](#) of the Margate Code of Ordinances.

(a) **Public or private elementary, middle, or high school**, subject to the following:

1. Schools shall not be located on roadways classified by Broward County Metropolitan Organization's Broward Highway Functional Classifications Map as arterial roadways. Access to schools shall not be from roadways classified by Broward County Metropolitan Organization's Broward County Highway Functional Classifications map as arterial roadways.

2. School must be located in freestanding single use structure(s), located on a parcel no small than the minimum size required by the School Board of Broward County for public schools. As an exception, charter schools may be permitted as an accessory use if located within an existing library, community service facility, museum, performing arts center, theatre, cinema, religious institution, Florida College System institution, college, or university facility, in accordance with F.S. 1002.33(18)(C).

3. School must provide a student drop off area for motorists that is dedicated to student drop off activities and will not interfere with onsite parking or roadways adjacent to the school. The appropriate length and dimensions of the drop off area shall be identified in a traffic study prepared by a professional engineer licensed in the State of Florida.

4. In order to allow sufficient time to secure required development order, building permit, and local business tax receipt approval, a special exception use application and fee must be filed with the

Development Services Department at least nine (9) months before the start of the school year. This time requirement cannot be waived or reduced.

(b) Public or private postsecondary educational facilities, including vocational schools. Any associated residence shall be ancillary to the permitted use, and permitted only for full-time students of the post-secondary educational facility and any staff required to preserve the safety and welfare of resident students.

Section 2.2. - Terms defined.

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.

This is an advisory note.

II. CONSISTENCY WITH COMPREHENSIVE PLAN, ELEMENT I

COMMENT 4: The subject property has an Industrial land use designation on the north half, and a commercial land use category on the south half of the property. Policy 1.2 of the Future Land Use Element of the Margate Comprehensive Plan permit community facility uses. Part 7 of same provides a description of community facilities which includes educational uses.

Policy 1.2 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.

b) Commercial

1. Neighborhood, community, and regional retail uses.
2. Office and business uses.

3. Commercial uses, including wholesale, storage, light fabricating and warehousing.
4. Hotels, motels, and other tourist accommodations.
5. Parks, recreation, and commercial recreation uses.
6. Community facilities.

d) Industrial

1. Industrial uses.
2. Heavy commercial uses including new and used automobile, truck, motorcycle, boat and trailer display, sales, and service; newspaper, magazine, and printing plants; bakeries, carpentry and other trade shops; ice houses; chemical sales, and repair shops.
3. Scientific and industrial applied research and/or educational facilities; medical or dental labs.
4. Offices.
5. Recreation and open space, and commercial recreation uses, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
6. Community facilities, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
7. Ancillary commercial uses within buildings devoted to primary industrial uses.

This is an advisory note.

COMMENT 5: The subject property is located on a collector road (Banks Rd). Policy 11.1 of the Future Land Use Element of the Margate Comprehensive Plan requires community facilities to be located close to major traffic corridors and mass transit routes adequate to carry the volume of traffic generated by such facilities, but provides an exception to this policy for schools.

Policy 11.1 Except for schools, regional and community facilities shall be located close to major traffic corridors and mass transit routes adequate to carry the volume of traffic generated by such facilities.

This is an advisory note.



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

Mayor Arlene R. Schwartz
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

CITY OF MARGATE, FLORIDA

ORDINANCE NO. 2017-14

AN ORDINANCE OF THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 31, PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS; CREATING NEW ARTICLE VI; CREATING NEW SECTION 31-54, QUASI JUDICIAL PROCEEDINGS; CREATING NEW SECTION 31-55, PUBLIC NOTICE; AMENDING ARTICLE XXII COMMUNITY BUSINESS B-2 DISTRICT, ARTICLE XXI NEIGHBORHOOD BUSINESS DISTRICT, SECTION 21.3, ARTICLE XXIII LIBERAL BUSINESS B-3 DISTRICT, SECTION 23.3, ARTICLE XXIV LIGHT INDUSTRIAL M-1 DISTRICT, SECTION 24.3, ARTICLE XXV INDUSTRIAL PARK M-1A DISTRICT, SECTION 25.3, ARTICLE XI COMMUNITY FACILITY CF-1 DISTRICT, SECTION 11.3, ARTICLE VII TRANSIT ORIENTED CORRIDOR-CORRIDOR (TOC-C) DISTRICT, SECTION 7.3, ARTICLE VIII TRANSIT ORIENTED CORRIDOR-GATEWAY (TOC-G) DISTRICT; SECTION 8.4, ARTICLE IX TRANSIT ORIENTED CORRIDOR-CITY CENTER (TOC-CC) DISTRICT, SECTION 9.5 AND SECTION 9.8, ARTICLE XXXI NONCONFORMING USE AND STRUCTURES, SECTION 31.7, ARTICLE XXXVI ARCADE AMUSEMENT CENTERS AND DEVICES, SECTION 36.3, ARTICLE XXXIX SIGN CODE, SECTION 39.4 REQUIRED SIGNS, CHAPTER 2, ADMINISTRATION, ARTICLE IV BOARDS, COMMITTEES, ETC. DIVISION 2. BOARD OF ADJUSTMENT, CHAPTER 11 DRAINAGE AND WATERWAY STRUCTURES, PROVIDING FOR SPECIAL EXCEPTION USE REVIEW CRITERIA AND PROCEDURES; 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 the City of Margate, Florida, Chapter 31 Platting, Subdivision and Other Land Uses, Article VI Quasi-Judicial Proceedings, is hereby created to read as follows¹:

ARTICLE 6 - QUASI JUDICIAL PROCEEDINGS

¹ CODING: Words in ~~struck-through~~ text are deletions from existing text; words in underscored text are additions to existing text, and shaded text reflects changes between First and Second Readings.

1 Sec. 31-54 - Special exceptions

2
3 (A) Purpose. Special exceptions are generally compatible with
4 other land uses permitted in a zoning district but, due to
5 their unique characteristics or potential impacts on the
6 surrounding neighborhood and the City as a whole, require
7 individual review as to location, design, configuration, and/or
8 operation for the particular use at the particular location
9 proposed, as well as the imposition of individualized
10 conditions in order to ensure that the use is compatible with
11 the surrounding neighborhoods and appropriate at a particular
12 location.

13
14 (B) Application requirements. No use designated as a special
15 exception shall be established until after such use has
16 received approval under the provisions of this section and has
17 received all permits required by this Code of Ordinances and
18 the Florida Building Code. An application for special exception
19 approval shall be filed with the Economic Development
20 Department on forms provided. The application shall include:

21 (1) A preliminary site plan, meeting the technical
22 requirements for a final site plan and containing all
23 relevant information necessary for review, including but
24 not be limited to the following:

25 (a) A survey meeting the technical standards of the
26 Florida Department of Professional Regulation, Board
27 of Land Surveyors.

28 (b) An accurate tree location plan, superimposed over
29 the basic site plan, showing the species and size of
30 all trees of three inches or greater caliper, d.b.h.

31 (c) Site data, including floor areas, aggregate
32 building coverage, green space, vehicular use areas,
33 retention areas and parking ratio.

34 (d) Each site plan presented shall be drawn to a
35 scale of no less than one inch equals 50 feet, and
36 shall include the complete dimensioning and location
37 of:

38 1. Plot lines.

39 2. Existing and proposed buildings and all other
40 proposed improvements.

41 3. Off-street parking, curbing, wheel stops and
42 interior landscape area.

43 4. Street paving, drainage structures, sidewalks,
44 driveways, intersections, medians, existing and
45 proposed deceleration and turning lanes.

1 5. Setbacks.

2 6. Floor plans, and exterior sales, storage or
3 service areas.

4 7. Internal walks and pedestrian ways.

5 8. Typical building exterior elevation view.

6 9. Signs and exterior lighting.

7 10. Water mains and fire hydrants; sewer
8 laterals.

9 11. Buffering and fencing or decorative masonry
10 walls.

11 12. Solid waste disposal containers and
12 enclosures.

13 13. Proposed finished floor and pavement
14 elevations.

15 14. Landscaping plan.

16 15. Any other architectural, engineering or
17 other data as may be required to permit the
18 necessary findings.

19 (2) The required application fee as provided in Section 31-
20 39 of this Code.

21 (3) A written and graphic summary of the proposed project
22 and its relationship to the general standards of review
23 in section 31-54(C) of this Code. Included in this
24 summary shall be a needs analysis which considers market
25 conditions, demand for the use, existing similar uses,
26 and proximity of existing similar uses to the location
27 of the proposed use.

28 (4) Ownership affidavit and owner's sworn to consent, if
29 applicable.

30
31 (C) General standards of review. In addition to the standards
32 set forth in this Code of Ordinances for the particular use,
33 all proposed special exceptions shall meet each of the
34 following standards:

35 (1) The special exception shall be consistent with the
36 purposes, goals, objectives and policies of the Margate
37 Comprehensive Plan and the Margate Code of Ordinances.

38 (2) The establishment, maintenance or operation of the
39 proposed use shall not be detrimental to or endanger the
40 public health, safety, or general welfare.

41 (3) The establishment, maintenance or operation of the
42 proposed use shall only be approved if in the best
43 interest of the City. It shall be determined that a
44 genuine need for the use is present in the City to
45 support and justify the approval of the proposed use, in

1 order to avoid creating an excessive proliferation of
2 said special exception use.

3 (4) The proposed use shall be compatible with the existing
4 natural environment and community character of the
5 properties within the immediate neighborhood.

6 (5) Utilities, roadway capacity, drainage, and other
7 necessary public facilities, including police, fire and
8 emergency services, shall exist at the City's adopted
9 levels of service, or will be available concurrent with
10 demand as provided for in the requirements of this Code.

11 (6) Adequate measures exist or shall be taken to provide
12 ingress and egress to the proposed use, for both
13 vehicles and pedestrians, in a manner that minimizes
14 traffic congestion on public streets, and the use may
15 not result in a significantly greater amount of traffic
16 on local streets than would result from a development
17 permitted by right.

18 (7) There shall be adequate parking areas and off street
19 truck loading spaces (if applicable) consistent with the
20 parking requirements of the Code, and the layout of the
21 parking and vehicular use areas shall be convenient and
22 conducive to safe operation consistent with City
23 standards to the greatest extent possible.

24 (8) The establishment of the special exception shall not
25 impede the development of surrounding properties for
26 uses permitted in the zoning district nor have a
27 negative impact on the value of those properties;

28 (9) The design of the proposed use shall minimize adverse
29 effects, including visual impacts, of the proposed use
30 on adjacent property through the use of building
31 orientation, setbacks, buffers, landscaping and other
32 design criteria.

33 (10) The City Commission finds that the granting of the
34 application will be in the best interest of the City.

35
36 (D) Review by Development Review Committee (DRC). A
37 complete application which is submitted pursuant to a schedule
38 prepared by the Economic Development Department shall be
39 reviewed at the next available DRC meeting. The DRC shall
40 review the proposed use based on the general standards of
41 review, use regulations, development standards of this Code,
42 and all other applicable development regulations. The DRC
43 chairman shall submit a written report, incorporating the
44 findings and recommendation of the DRC, to the Planning and
45 Zoning Board and City Manager.
46

1 (E) Meeting of the Planning and Zoning Board. The
2 Planning and Zoning Board shall conduct a public hearing in
3 which they discuss the DRC report and the project proposal,
4 prior to making a recommendation concerning the project to the
5 City Commission. If the Planning and Zoning Board determines
6 that the proposed use is in compliance with general standards
7 of review, use regulations, and development standards of this
8 Code, then they shall recommend approval of the special
9 exception to the City Commission, with or without conditions,
10 as determined appropriate. If the Planning and Zoning Board
11 finds that the proposed special exception is not in compliance,
12 they shall recommend denial of the application. The Planning
13 and Zoning Board may continue the matter until any additional
14 information or studies requested have been completed and
15 offered in testimony.

16
17 (F) Review by City Commission. The City Commission
18 shall review all special exception applications. The Director
19 of Economic Development shall transmit to the City Manager a
20 copy of the complete application and a written staff report
21 summarizing the facts of the case including all relevant
22 documents and the recommendations of the Planning and Zoning
23 Board, if applicable. The City Manager shall schedule the
24 proposed special exception application for the next available
25 City Commission meeting, provided the required notice
26 procedures are met.

27
28 (1) Public hearing. The City Commission shall hold one
29 public hearing on the proposed special exception.

30
31 (2) Action by City Commission. In considering a special
32 exception request, the City Commission shall review the
33 proposed special exception, based on the general purpose and
34 standards of review set forth in this section, the report of
35 administration and recommendation(s) of the Planning and Zoning
36 Board, and any oral and written comments received before or at
37 the public hearing. Based upon the record developed at the
38 public hearings, the City Commission may:

- 39 (a) Adopt the proposed special exception by resolution, with
40 or without conditions;
41 (b) Deny the proposed special exception by resolution; or
42 (c) Refer the matter to the Planning and Zoning Board or
43 administration for further consideration.

44
45 (G) Conditions. The City Commission may attach such
46 conditions to the approval as it deems necessary to ensure the

1 proposed use conforms to the standards set forth in section 31-
2 54(C) general standards of review and to prevent or minimize
3 adverse effects on other property in the neighborhood,
4 including but not limited to: architectural design guidelines;
5 limitations on size, bulk and location; duration of
6 construction period; requirements for landscaping, signage,
7 outdoor lighting, and the provision or limitation of ingress
8 and egress; duration of the approval; hours of operation; and
9 the mitigation of environmental impacts.

10
11 (H) Effect of approval or denial.

12
13 (1) Eligibility to apply for building permit, etc. Approval of
14 the application for special exception by the City Commission
15 authorizes the applicant to proceed with any necessary
16 applications for final site plan approval, building permits,
17 certificates of level of service, and other permits, which the
18 City may require for the proposed development. No permit shall
19 be issued for work which does not comply with the terms of the
20 special exception approval.

21
22 (2) Expiration of special exception approval. Unless otherwise
23 provided in the approval, the approval of a special exception
24 application shall be void if a building permit or engineering
25 permit has not been issued for the proposed development within
26 12 months after the date of the special exception approval. An
27 applicant who has obtained special exception approval may
28 request an extension of this time period by submitting within
29 the 12 month period a letter stating the reasons for the
30 request. The City Commission may, at a regular meeting, grant
31 an extension of up to 12 months, per Chapter 31 Section 31-
32 38(c) of the Code of Ordinances.

33
34 (3) Rescission of approval by abandonment of use. Any
35 discontinuation of an approved special exception for a period
36 of 180 consecutive days shall constitute abandonment and shall
37 rescind the approval of the special exception. The abandonment
38 period shall be presumed to have commenced upon the termination
39 of electrical or water service for the user, whichever occurs
40 first.

41
42 (I) Amendments and alterations to approved special exceptions.

43
44 (1) Except as provided under section 31-54(I)(2), any
45 expansion to an approved special exception and any addition to
46 or expansion of an existing special exception shall require the

1 same application, review and approval as required under this
2 section for the original approval of the special exception.

3
4 (2) Minor changes in the site plan or design details of an
5 approved special exception which are consistent with the
6 standards and conditions applying to the special exception and
7 which do not result in additional external impacts, such as a
8 minor shift in the location of a building or structure, the
9 realignment of parking spaces and aisles, the relocation of a
10 driveway, etc., may be approved by the DRC administratively
11 without obtaining additional approvals. No increase in the
12 intensity or change in use shall be considered a minor change
13 for the purposes of this section.

14
15
16 Sec. 31-55 - Public Notice

17
18 (A) Mailings. When an application for special exception,
19 conditional use, variance, administrative appeal, plat or
20 plat amendment, rezoning, ~~or~~ Land Use Map Amendment, or any
21 other quasi-judicial land use determination is filed with the
22 City, the applicant shall be responsible for mailing public
23 notice to the owners of all real property lying within one
24 thousand five-hundred (1,500) feet of the subject property
25 for which said application was filed. The mailing radius
26 shall be measured from the property lines of the subject
27 property.

28
29 (1) Content. The mailed notification shall state "PUBLIC
30 HEARING NOTIFICATION" in bold print at the top of the notice
31 and include the following information:

32
33 (a) The applicant's name.

34
35 (b) The address of the subject property of the
36 application.

37
38 (c) The type of application that was filed with the
39 City.

40
41 (d) A description of the proposed project, including
42 the proposed use, hours of operations, acreage of

1 parcel, square footage of structure(s), and/or number
2 and type of residential units.

3
4 (e) The name of the board(s) to hear the application.

5
6 (f) The scheduled date(s) and time(s) of hearing(s).

7
8 (g) The address of where the hearing(s) is/are to take
9 place.

10
11 (h) Municipal contact information for the department
12 processing the application, to include the department
13 name, phone number and address.

14
15 (2) Procedure. Within seven (7) days of receiving an
16 application, as described in 31-55(A), the City shall furnish
17 the applicant with a list of all real property owners within
18 a one thousand five hundred (1,500) foot radius of the
19 subject property of said application. Ownership of
20 surrounding real property shall be determined by the most
21 recent tax records available from the Broward County Property
22 Appraiser. The applicant shall send public notice described
23 above via United States Postal Service mail to each required
24 real property owner at least fourteen (14) days prior to the
25 scheduled hearing(s).

26
27 (a) For applications that require sequential reviews by
28 multiple boards of the City, the notice shall include
29 the scheduled dates, times, board names, and locations
30 for all required hearings. For the purpose of this
31 section, required hearings refer to those held by the
32 City Commission, the Planning & Zoning Board, the Board
33 of Adjustment, and any other board whose members are
34 appointed by the City Commission.

35
36 (1) In the event an application is tabled at a
37 properly noticed hearing, no further mailings shall
38 be required for the application to appear before
39 that particular body that tabled the application.
40 However, if the tabling action causes hearings by
41 other boards of the City in a sequential review of
42 an application to be rescheduled to dates other

1 than those provided in the mailed public notice,
2 then the applicant shall mail a revised notice as
3 provided in this Section at least fourteen (14)
4 days prior to the rescheduled hearing(s).

5
6 (2) In the event that an application is delayed
7 between hearings of a sequential review for any
8 reason other than being tabled, as described above,
9 then the applicant shall mail a revised notice as
10 provided in this Section at least fourteen (14)
11 days prior to the rescheduled hearing.

12
13 (3) In the event that an applicant appeals a board
14 decision to a higher body of the City, or that the
15 City Commission refers a special exception
16 application back to the Planning and Zoning Board
17 as described in Section 31-54(F)(2)(c), the
18 applicant shall mail a revised notice as provided
19 in this Section at least fourteen (14) days prior
20 to the rescheduled hearing.

21
22 (b) Upon mailing the required public notice, the
23 applicant shall submit proof of said mailing to include
24 a sample letter, postage receipt, and a sworn affidavit
25 affirming that the public notice requirements of this
26 section have been executed as described in this Section.
27 Said proof of mailing shall be provided to the City at
28 least ten (10) days prior to the first scheduled
29 hearing.

30
31 (c) In the event that the applicant fails to satisfy
32 all of the requirements of this Section, the application
33 shall not be scheduled for the Planning and Zoning
34 Board, Board of Adjustment, CRA Board, or City
35 Commission, until the above requirements have been met.

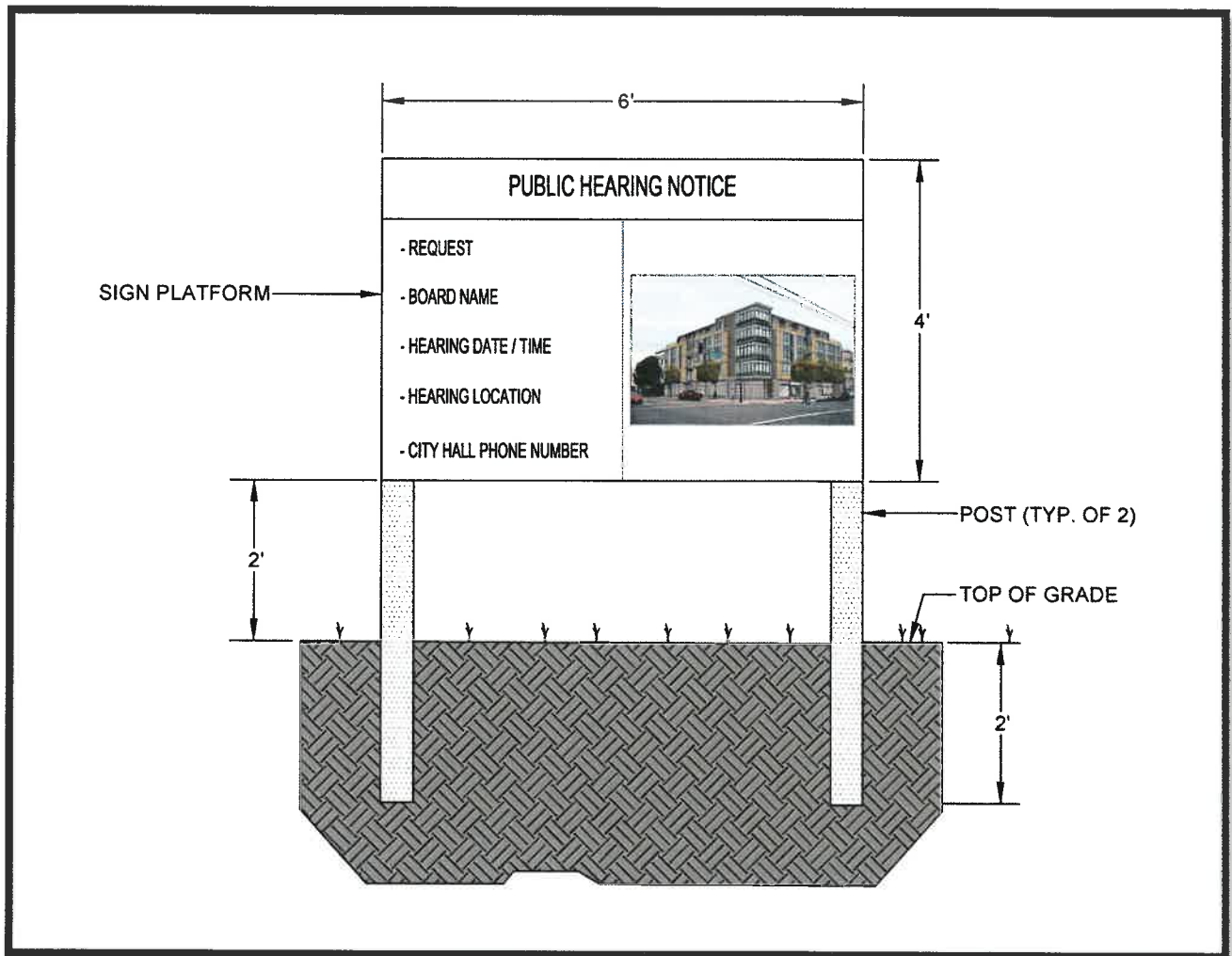
36
37 (B) Signs. When an application for special exception, conditional
38 use, variance, administrative appeal, plat or plat amendment,
39 rezoning, ~~or~~ Land Use Map Amendment, or any other quasi-
40 judicial land use determination is filed with the City, the
41 applicant shall be responsible for posting public hearing
42 notice on the subject property of the application at least
43 fourteen (14) days prior to the scheduled public hearing.
44

1 (1) New construction. Applications for quasi-judicial land
2 use determinations consisting of new development,
3 redevelopment, major renovation of an existing structure,
4 façade change, change of use, special exception, conditional
5 use, or any other new construction of a building or structure
6 other than that on an individual single family home shall
7 post signs meeting the following criteria:

8
9 (a) Freestanding, single-faced sign, posted to a height
10 of six (6) feet above grade.

11
12 (b) The sign face shall be ~~thirty-two (32)~~ twenty-four
13 (24) square feet in area, such that it is ~~eight (8)~~ six
14 (6) feet wide by four (4) feet high.

15
16 (c) The sign face shall be laterally divided into two
17 symmetrical sides. The right side of the sign shall
18 display a colored rendering of the proposed project.
19 The left side shall provide the information described in
20 Section 31-55(B)(4)-(3)-(a), below.
21

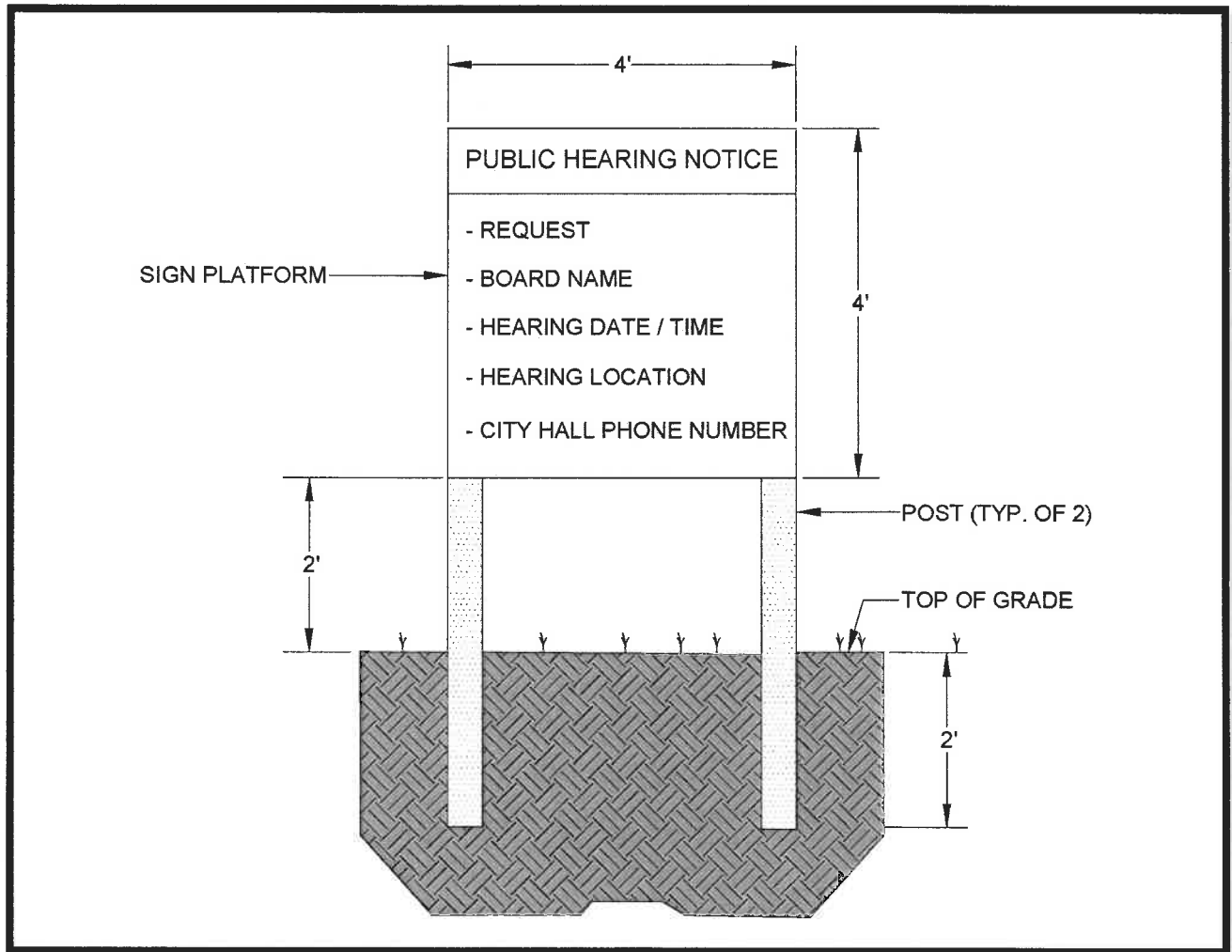


(2) Existing structures. Applications consisting of a variance, administrative appeal, plat or plat amendment, rezoning, Land Use Map Amendment, or minor modification to an existing structure or other quasi-judicial land use determinations shall post signs meeting the following criteria:

(a) Freestanding, single-faced sign, posted to a height of six (6) feet above grade.

(b) The sign face shall be at least sixteen (16) square feet, such it that is at least four (4) feet wide by four (4) feet high.

(c) The sign(s) shall conform to provide the information described in Section 31-55(B)(4)(3)(a), below.

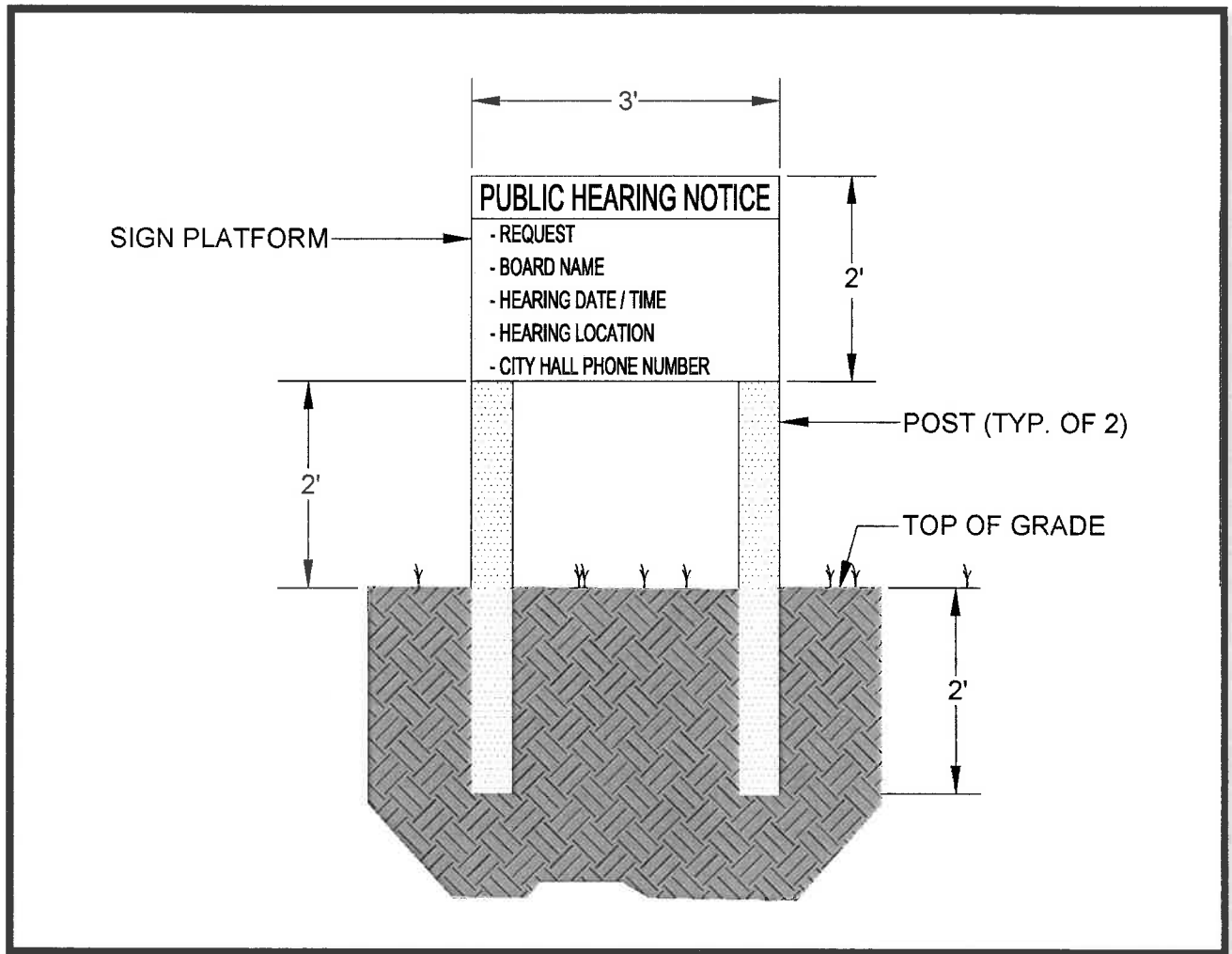


(3) *Single family homes.* Applications consisting of a variance, administrative appeal, or other quasi-judicial land use determinations on an individual single family home shall post signs meeting the following criteria:

(a) Freestanding, single-faced sign, posted to a height of four (4) feet above grade.

(b) The sign face shall be at least six (6) square feet, such it that is at least three (3) feet wide by two (2) feet high.

(c) The sign(s) shall conform to Section 31-55(B)(4), below.



(43) Criteria. The posted notification shall satisfy the following criteria:

(a) Content. The sign face shall state "PUBLIC HEARING NOTIFICATION" in bold print at the top of the notice in not less than six (6) inch type and include the following information in line item bullet format:

(i) The type of hearing request, and brief description of the application, for example, "SPECIAL EXCEPTION FOR GASOLINE STATION."

1
2 (ii) The board scheduled to hear the application,
3 for example, "CITY COMMISSION."
4

5 (iii) The hearing date and time.
6

7 (iv) The hearing location.
8

9 (v) The phone number for City Hall.
10

11 (b) Posting. Public hearing signs shall be posted in
12 the following manner:
13

14 (i) One (1) public hearing sign shall be posted by
15 the applicant facing each adjacent public right-of-
16 way of the subject property. If the subject
17 property does not have an adjacent right-of-way,
18 the sign(s) shall be installed on the subject
19 property in a manner to provide the highest level
20 of visibility to the public, as determined by city
21 staff. Signs must be posted on the subject
22 property, setback five (5) feet. The intent of
23 this Section is to provide highly visible notice to
24 the public, as such, if visual obstructions exist
25 on the subject property such as landscaping or man-
26 made structure(s), the height and setback may be
27 adjusted to provide the best visibility possible,
28 as determined by city staff.
29

30 ~~(ii) The sign face shall be white, with black~~
31 ~~lettering, using a minimum of six (6) inch tall~~
32 ~~type.~~
33

34 ~~(iii)~~ In the event that an application is tabled, or
35 where sequential hearings are required, the
36 petitioner shall update the sign(s) within seventy-
37 two (72) hours of the most recent hearing date.
38 The sign must be updated at least fourteen (14)
39 days prior to the next scheduled hearing in order
40 to be heard.
41

1 (c) Construction. Public hearing sign faces shall be
2 made of a durable, rigid material. Paper, cardboard,
3 fabric or vinyl banners shall not be used in the
4 construction of a public hearing sign. Signs must be
5 freestanding unless otherwise authorized by staff.
6 Signs shall feature black lettering on a white
7 background. Lettering shall be displayed in a bold,
8 highly visible font.

9
10 (ed) Bond. Petitioner shall execute a public hearing
11 sign bond agreement with the City acknowledging that the
12 above sign(s) shall be removed within two (2) business
13 days following a final determination on the matter. If
14 said sign(s) is/are not removed in two (2) business
15 days, the petitioner, on behalf of the owners of the
16 property, authorize the administration of the City of
17 Margate to remove said sign(s), forfeiting the bond fee.

18
19 **SECTION 2:** The Code of the City of Margate,
20 Florida, Appendix A Zoning, Article XXII Community Business B-2
21 District, Section 22.3 Permitted uses is hereby amended to read
22 as follows:

23
24 . . .
25
26
27 (B) Special exception uses. The following uses are
28 authorized upon a finding by the city commission that a
29 special exception to the article is warranted, pursuant to
30 the procedure and criteria set forth in Chapter 31 Section
31 31-54 sections 22.9 through 22.12 of this Code.

32
33 . . .
34 [Note to Municipal Code: The rest of this section shall
35 remain as codified.]

36 **SECTION 3:** The Code of the City of
37 Margate, Florida, Appendix A Zoning, Article XXII Community
38 Business B-2 District, Section 22.9 Site plan required for new
39 construction for a special exception use is hereby deleted in
40 its entirety:
41

~~Section 22.9. — Site plan required for new construction for a special exception use.~~

~~(1) Requirements. Prior to the issuance of a development permit for a special exception use, a site development plan shall be approved by a resolution of the city commission. The city commission shall consider and determine all applications for site plan approval for new construction as provided for in the following sections.~~

~~(2) Information required. The site plan submitted shall contain all relevant information necessary for review, to include, but not be limited to, the following:~~

~~(a) A survey meeting the technical standards of the Florida Department of Professional Regulation, Board of Land Surveyors.~~

~~(b) An accurate tree location plan, superimposed over the basic site plan, showing the species and size of all trees of three (3) inches or greater caliper, d.b.h.~~

~~(c) Site data, including floor areas, aggregate building coverage, green space, vehicular use areas, retention areas and parking ratio.~~

~~(d) Each site plan presented herewith shall be drawn to a scale of no less than one (1) inch equals fifty (50) feet, and shall include the complete dimensioning and location of:~~

~~1. Plot lines.~~

~~2. Existing and proposed buildings and all other proposed improvements.~~

~~3. Off-street parking, curbing, wheel stops and interior landscape area.~~

~~4. Street paving, drainage structures, sidewalks, driveways, intersections, medians, existing and proposed deceleration and turning lanes.~~

~~5. Setbacks.~~

~~6. Floor plans, and exterior sales, storage or service areas.~~

~~7. Internal walks and pedestrian ways.~~

~~8. Typical building exterior elevation view.~~

~~9. Signs and exterior lighting.~~

~~10. Water mains and fire hydrants; sewer laterals.~~

~~11. Buffering and fencing or decorative masonry walls.~~

~~12. Solid waste disposal containers and enclosures.~~

~~13. Proposed finished floor and pavement elevations.~~

~~14. Landscaping plan.~~

~~15. Any other architectural, engineering or other data as may be required to permit the necessary findings.~~

1 ~~(3) Pre application. Before consideration by the city~~
2 ~~commission, all site plans shall be reviewed by the development~~
3 ~~review committee. The committee shall file a report to the city~~
4 ~~commission evaluating the compliance of the site plan with the~~
5 ~~requirements of chapter [sections] 31-31 through 31-37 of the~~
6 ~~City Code and these district regulations. An application shall~~
7 ~~not be placed on the commission agenda unless the site plan is~~
8 ~~complete and all pertinent technical information is available.~~

9 ~~(4) City commission review. Following the conclusion of the~~
10 ~~above listed procedure and after review of the report prepared~~
11 ~~by the development review committee, the site plan shall be~~
12 ~~placed before the commission for final action in the form of a~~
13 ~~resolution. When considering a site plan, the city commission~~
14 ~~shall make one (1) of the following determinations:~~

15 ~~(a) Approval. That, based upon a review of the criteria~~
16 ~~enumerated in section 22.10, the proposal will not adversely~~
17 ~~affect the health, safety or welfare of the city; that it~~
18 ~~will not adversely affect the existing or resulting~~
19 ~~utilization of legally permitted uses on neighboring~~
20 ~~properties; and that it will be in harmony with the general~~
21 ~~purpose and interest of the ordinances of the city.~~

22 ~~(b) Approval with conditions and safeguards. That, based upon~~
23 ~~a review of the criteria enumerated in section 22.10, the~~
24 ~~approval of the proposal with such additional conditions and~~
25 ~~safeguards as are deemed necessary by the city commission~~
26 ~~will not adversely affect the health, safety or welfare of~~
27 ~~the city; that it will not adversely affect the existing or~~
28 ~~resulting utilization of legally permitted uses on~~
29 ~~neighboring properties; and that it will be in harmony with~~
30 ~~the general purpose and interest of the ordinances of the~~
31 ~~city.~~

32 ~~(c) Denial. That, based upon a review of the criteria~~
33 ~~enumerated in section 22.10, the approval of the proposal~~
34 ~~will adversely affect the health, safety or welfare of the~~
35 ~~city; that it will adversely affect the existing or resulting~~
36 ~~utilization of legally permitted uses on neighboring~~
37 ~~properties, and/or that it will not be in harmony with the~~
38 ~~general purpose and interest of the ordinances of the city.~~

39
40 SECTION 4: The Code of the City of Margate,
41 Florida, Appendix A Zoning, Article XXII Community Business
42 B-2 District, Section 22.10 Review criteria for new
43 construction for a special exception use is hereby deleted in
44 its entirety:

45 ~~Section 22.10. Review criteria for new construction for~~
46 ~~a special exception use.~~

1 In granting or denying a request for a special exception use
2 approval pursuant to the procedure specified in section 22.9,
3 the city commission shall consider the following:

4 (a) Compatibility of the use and site plan elements with the
5 indigenous environment and with properties in the neighborhood,
6 as outlined in the Margate Comprehensive Plan.

7 (b) Substantial detrimental effects of the proposal on property
8 values in the neighborhood.

9 (c) Substantial detrimental effects of the use on living or
10 working conditions in the neighborhood.

11 (d) Ingress and egress to the development and proposed
12 structures, with particular reference to automotive and
13 pedestrian safety, control of automotive traffic, provision of
14 services and servicing of utilities and refuse collection, and
15 access in the case of fire, catastrophe or emergency.

16 (e) Off street parking location, and relationship to buildings
17 and internal traffic patterns with particular reference to
18 automotive and pedestrian traffic safety, traffic flow and
19 control, access in case of fire or emergencies, and screening
20 and buffering.

21 (f) Orientation, location, size and feature of city buildings
22 and the appearance and harmony of the buildings with nearby
23 development and land uses.

24 (g) Sufficiency of setbacks, buffers and general amenities to
25 preserve internal and external harmony and compatibility with
26 uses inside and outside the proposed development and to control
27 adverse effects of site generated noise, lights, fumes and
28 other nuisances.

29 (h) Adequacy of stormwater management with attention to the
30 necessity for onsite retention to alleviate flooding and
31 groundwater pollution without compromising the aesthetics and
32 maintainability of landscaping.

33 (i) Adequacy of landscaping with an emphasis on the
34 preservation of existing trees, the use of native species, and
35 the use of required landscaping along street perimeters.

36 (j) Compliance with the applicable goals, objectives and
37 policies of the Margate Comprehensive Plan.

38 (k) Compliance with the goals, objectives and policies of the
39 Margate Community Redevelopment Plan.

40
41 **SECTION 5:** The Code of the City of
42 Margate, Florida, Appendix A Zoning, Article XXII Community
43 Business B-2 District, Section 22.11 Site data required for
44 existing buildings for a special exception use is hereby deleted
45 in its entirety:

~~Section 22.11. Site data required for existing buildings for a special exception use.~~

~~(1) Requirement. Prior to the issuance of a permit for a special exception use, a site shall be approved by a resolution of the city commission. The city commission shall consider and determine all applications for site plan approval for existing buildings as provided for in the following sections.~~

~~(2) Information required. A survey meeting the technical requirements of the Florida Department of Professional Regulation, Board of Land Surveyors, shall contain all relevant information necessary for review, to include, but not be limited to, the following:~~

~~(a) Site data, including existing and proposed floor areas, aggregate building coverage, green space and vehicular use areas.~~

~~(b) Existing and proposed off street parking, curbing, wheel stops and interior landscape area.~~

~~(c) Existing and proposed street paving, drainage structures, sidewalks and driveways.~~

~~(d) Existing and proposed landscaping plan.~~

~~(e) Any other architectural, engineering or other data as may be required to permit the necessary findings.~~

SECTION 6: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXII Community Business B-2 District, Section 22.12 Review criteria for existing buildings for a special exception use is hereby deleted in its entirety:

~~Section 22.12. Review criteria for existing buildings for a special exception use.~~

~~The review criteria for the site for existing buildings shall be the same as provided for in section 22.10.~~

SECTION 7: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXII Community Business B-2 District, Section 22.13 Promotional event review criteria is hereby deleted in its entirety:

~~Section 22.13. Promotional event review criteria.~~

1 ~~(1) In granting or denying approval for a promotional event~~
2 ~~as set forth in Section 22.3(B)(1)(h), the applicant must~~
3 ~~submit the following to the development review committee:~~
4

- 5 ~~(a) A site plan showing the exact location of where the~~
6 ~~event is to take place.~~
- 7 ~~(b) A detailed description of the event.~~
- 8 ~~(c) A schedule of the exact dates and times of the event.~~
- 9 ~~(d) A letter of approval from the property owner.~~
- 10 ~~(e) Proof of insurance.~~
- 11 ~~(f) Documentation that the City of Margate Police~~
12 ~~Department has been contacted to provide assistance~~
13 ~~and that payment has been rendered.~~
14

15 ~~(2) In granting or denying approval for a promotional event as~~
16 ~~set forth in section 22.3(B)(1)(h), the development review~~
17 ~~committee shall consider the following:~~

- 18 ~~(a) That the proposed event is compatible with the~~
19 ~~existing use of the property and with the surrounding~~
20 ~~properties.~~
- 21 ~~(b) That the proposed event does not create a safety~~
22 ~~hazard for persons and/or property in the surrounding~~
23 ~~area.~~
- 24 ~~(c) That the amount of parking demands created by the~~
25 ~~event being considered, especially with regard to the~~
26 ~~adverse impact on adjacent residential areas, is~~
27 ~~adequate, and that the location being considered~~
28 ~~meets the criteria for current parking.~~
- 29 ~~(d) That the proposed event does not adversely affect~~
30 ~~traffic conditions so as to create a nuisance.~~
- 31 ~~(e) That all ingress and egress areas are kept open for~~
32 ~~the free flow of traffic circulation. Barricades may~~
33 ~~be required for safety purposes.~~
- 34 ~~(f) That traffic created by the proposed event does not~~
35 ~~directly affect or interfere with the flow of traffic~~
36 ~~in the surrounding residential areas. Furthermore, no~~
37 ~~such event may take place within one hundred (100)~~
38 ~~feet of any residentially zoned property. This~~
39 ~~distance shall be measured from the limits of the~~
40 ~~proposed event to the residential property line.~~
- 41 ~~(g) That any signage used for the proposed event is in~~
42 ~~conformance with Article XXXIX of the City Code [this~~
43 ~~appendix].~~

1 ~~(h) That additional conditions may be imposed upon the~~
2 ~~petitioner as deemed necessary by the development~~
3 ~~review committee.~~

4
5 SECTION 8: The Code of the City of Margate,
6 Florida, Appendix A Zoning, Article XXI Neighborhood Business B-
7 1 District, Section 21.3 Permitted uses is hereby amended to
8 read as follows:

9
10
11 (B) *Special exception uses.* The following uses are authorized
12 upon a finding by the city commission that a special exception
13 to the article is warranted. The commission shall consider all
14 applications for a special exception approval pursuant to the
15 procedure and criteria set forth in ~~sections 22.9 through 22.12~~
16 ~~of the Code Chapter 31 Section 31-54 of the Margate Code of~~
17 Ordinances.

18
19
20 [Note to Municipal Code: The rest of this section shall
21 remain as codified.]

22 SECTION 9: The Code of the City of Margate, Florida,
23 Appendix A Zoning, Article XXIII Liberal Business B-3 District,
24 Section 23.3 Permitted uses is hereby amended to read as
25 follows:

26
27
28 (B) *Special exception uses.* The following uses are authorized
29 upon a finding by the city commission that a special exception
30 to the article is warranted, pursuant to the procedure and
31 criteria set forth in ~~sections 22.9 through 22.12 of this Code~~
32 Chapter 31 Section 31-54 of the Margate Code of Ordinances.

33
34 [Note to Municipal Code: The rest of this section shall
35 remain as codified.]

36
37 SECTION 10: The Code of the City of Margate,

1 Florida, Appendix A Zoning, Article XXIV Light Industrial M-1
2 District, Section 24.3 Permitted uses is hereby amended to read
3 as follows:

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

14
15 (1) The following uses are authorized upon a finding by the
16 city commission that a special exception to the article is
17 warranted, pursuant to the procedure and criteria set forth in
18 sections 22.9 through 22.12 of this Code Chapter 31 Section 31-
19 54 of the Margate Code of Ordinances.

20
21
22 [Note to Municipal Code: The rest of this section shall
23 remain as codified.]

24
25 SECTION 11: The Code of the City of
26 Margate, Florida, Appendix A Zoning, Article XXV Industrial Park
27 M-1A District, is hereby amended to read as follows:

28 Section 25.3. - Permitted uses.

29 No building or structure, or any part thereof, shall be
30 erected, altered or used, or land or water used, in whole or in
31 part, for other than one (1) or more of the following uses:

32
33 (C) *Special exception uses.* The following uses are authorized
34 upon a finding by the City Commission that a special exception
35 use to this article is warranted:

36
37 (1) Children's activity center as an accessory use only.
38 For the purposes of this section, "children's activity

center" is defined as any establishment containing modular retail play/soft play structures, indoor playgrounds, children's party rooms or food services. Retail play/soft play areas of children's activity centers may also contain up to ten (10) coin-operated machines designed specifically for children, ages twelve (12) and under. Access to retail play/soft play areas of children's activity centers (including areas containing permitted coin-operated machines) shall be restricted to children, ages twelve (12) and under, and persons accompanying such children for supervisory purposes.

The city commission shall consider all applications for special exception approval pursuant to the procedure set forth in ~~sections 23.9 and 23.10~~ Chapter 31 Section 31-54 of the Margate Code of Ordinances.

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

SECTION 12: The Code of the City of Margate, Florida, Appendix A Zoning, Article XI Community Facility CF-1 District, Section 11.3 Permitted uses is hereby amended to read as follows:

Section 11.3. - Permitted uses.

(B) Special exception uses. Special exception uses may be deemed appropriate to provide a complete distribution of 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 commission that a special exception to the article is warranted. The commission shall consider all

1 applications for special exception approval pursuant to
2 the procedures and criteria set forth in ~~sections 22.9~~
3 ~~and 22.10 for new construction and in sections 22.11 and~~
4 ~~22.12 for use of existing buildings or sites~~ Chapter 31
5 Section 31-54 of the Margate Code of Ordinances.

6 . . .
7 [Note to Municipal Code: The rest of this section shall
8 remain as codified.]

9
10 SECTION 13: The Code of the City of
11 Margate, Florida, Appendix A Zoning, Article VII Transit
12 Oriented Corridor-Corridor (TOC-C) District, Section 7.3 TOC-C
13 Corridor Permitted uses is hereby amended to read as follows:
14

15 Section 7.3. - TOC-C Corridor permitted uses.
16 . . .

17 (B)

18 *Special exception uses.* Special exception uses may be deemed
19 appropriate to provide a complete distribution of commercial
20 uses with the city, but because of their operational
21 characteristics or area requirements need to be given
22 individual consideration with respect to their location,
23 access and relationship to adjacent properties and public
24 rights-of-way, and conformity with the city's current and
25 future redevelopment efforts.

26 (1)

27 The following uses are authorized upon a finding by the
28 city commission that a special exception to the article is
29 warranted, pursuant to the procedure and criteria set forth
30 in ~~sections 22.9 through 22.12 3.32 of this Code~~ Chapter 31
31 Section 31-54 of the Margate Code of Ordinances.

32 . . .
33 [Note to Municipal Code: The rest of this section shall
34 remain as codified.]

35
36 SECTION 14: The Code of the City of Margate,
37 Florida, Appendix A Zoning, Article VIII Transit Oriented
38 Corridor-Gateway (TOC-G) District, Section 8.4 TOC-G Gateway
39 permitted uses is hereby amended to read as follows:

1
2 Section 8.4. - TOC-G Gateway permitted uses.
3
4

5 (B)

6 *Special exception uses.* Special exception uses may be deemed
7 appropriate to provide a complete distribution of commercial
8 uses with the city, but because of their operational
9 characteristics or area requirements need to be given
10 individual consideration with respect to their location,
11 access and relationship to adjacent properties and public
12 rights-of-way, and conformity with the city's current and
13 future redevelopment efforts.

14 (1)

15 The following uses are authorized upon a finding by the
16 city commission that a special exception to the article is
17 warranted, pursuant to the procedure and criteria set forth
18 in ~~sections 22.9 through 22.12 of this Code~~ Chapter 31
19 Section 31-54 of the Margate Code of Ordinances.
20

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

23
24 SECTION 15: The Code of the City of Margate,
25 Florida, Appendix A Zoning, Article IX Transit Oriented
26 Corridor-City Center (TOC-CC) District, Section 9.5 TOC-CC City
27 Center permitted uses is hereby amended to read as follows:

28 Section 9.5. - TOC-CC City Center permitted uses.
29

30 (B)

31 *Special exception uses.* Special exception uses may be deemed
32 appropriate to provide a complete distribution of commercial
33 uses with the city, but because of their operational
34 characteristics or area requirements need to be given
35 individual consideration with respect to their location,
36 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 ~~sections 22.9 through 22.12 of this Code~~ Chapter 31 Section 31-54 of the Margate Code of Ordinances.

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

SECTION 16: The Code of the City of Margate, Florida, Appendix A Zoning, Article IX Transit Oriented Corridor-City Center (TOC-CC) District, Section 9.8 Limitation on uses is hereby amended to read as follows:

Section 9.8. - Limitation on uses.

1.

All activities or permitted uses, including sale, display, preparation and storage, shall be conducted entirely within a completely enclosed building. This prohibition shall not apply to the following:

a.

Drive-through facilities approved as special exception uses, and subject to the criteria contained in ~~Sections 22.9 through 22.12 of this Code~~ Chapter 31 Section 31-54 of the Margate Code of Ordinances.

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

SECTION 17: The Code of the City of Margate, Florida, Appendix A Zoning, Article XXXI Nonconforming Use and Structures, Section 31.7 Discontinuance or abandonment of special exceptions, variances, conditional uses, or waivers is hereby amended to read as follows:

1 Section 31.7. - Discontinuance or abandonment of special
2 ~~exceptions, variances, conditional uses, or waivers.~~

3 (A)

4 If for any reason a ~~special exception, variance, conditional~~
5 ~~use,~~ or waiver as to the use of land or any portion thereof
6 does not commence, is not undertaken, ceases, is discontinued,
7 or is abandoned for a period of more one hundred eighty (180)
8 days, the land or portion thereof shall not thereafter be used
9 for said ~~special exception, variance, conditional use,~~ or
10 waiver unless specifically outlined unless the contrary is
11 specifically provided in the ~~special exception, variance,~~
12 ~~conditional use,~~ or waiver, or unless same has been considered
13 anew and granted, pursuant to the Code of the City of Margate.

14 (B)

15 If for any reason a ~~special exception, variance, conditional~~
16 ~~use,~~ or waiver as to the use of a building or structure or any
17 portion thereof does not commence, is not undertaken, ceases,
18 is discontinued, or is abandoned for a period of more one
19 hundred eighty (180) days, the building or structure or any
20 portion thereof shall not thereafter be used for said ~~special~~
21 ~~exception, variance, conditional use,~~ or waiver unless
22 specifically outlined unless the contrary is specifically
23 provided in the ~~special exception, variance, conditional use~~
24 or unless same has been considered anew and granted, pursuant
25 to the Code of the city.

26
27 SECTION 18: The Code of the City of Margate,
28 Florida, Appendix A Zoning, Article XXXVI Arcade Amusement
29 Centers and Devices, Section 36.6 Location or arcade amusement
30 centers is hereby amended to read as follows:

31 Section 36.3. - Location of arcade amusement centers.

32 Arcade amusement centers shall be permitted by special
33 exception in the TOC-C, TOC-G, TOC-CC, B-2 and B-3 zoning
34 districts, as provided in the city's Zoning Code pursuant to the
35 procedure and criteria set forth in ~~section 22.9 and 22.10 for new~~
36 ~~construction, and in sections 22.11 and 22.12 for the use of~~
37 ~~existing buildings or sites~~ Chapter 31 Section 31-54 of the
38 Margate Code of Ordinances, with the following exceptions:

39 (1)

40 Arcade amusement centers shall not be permitted within one
41 thousand (1,000) feet of another similar establishment, nor
42 in any case within the same plaza, shopping center, mall,
43 or other facility as another similar establishment.

1 (2)

2 The distance shall be measured from the main entrance or
3 front door of one amusement arcade center to the main
4 entrance or front door of the other similar establishment.
5

6 SECTION 19: The Code of the City of Margate,
7 Florida, Chapter 2, Administration, Article IV Boards,
8 Committees, Etc. Division 2. Board of Adjustment, Section 2-78
9 Powers and duties is hereby amended to read as follows:
10

11 **Sec. 2-78. - Powers and duties.**

12 (a)

13 The board shall have the following powers:

14 (1)

15 To hear and determine appeals where it is alleged there is
16 error in any order, requirement, decision or determination
17 made by an administrative official in the enforcement of
18 the zoning regulations of the city.

19 ~~(2)~~

20 ~~To hear and grant or deny special exceptions to the terms~~
21 ~~of any zoning ordinance upon which the board is required to~~
22 ~~pass under such ordinance.~~

23 (23)

24 To hear and grant or deny such variances from the terms of
25 any zoning ordinances of the city, ~~except those as to the~~
26 ~~number and allocation of liquor licenses by district and~~
27 ~~category.~~ To hear or deny such variances from the Code of
28 the city as will not be contrary to the public interest or
29 the general purposes sought to be accomplished by the
30 zoning ordinances and where, owing to special conditions, a
31 literal enforcement of the provisions of the zoning
32 ordinances will result in unnecessary hardship in the use
33 of the property involved.

34 ~~(4)~~

35 ~~To hear and grant or deny special exceptions to the terms~~
36 ~~of zoning ordinances of the city such action as will not be~~
37 ~~contrary to the public interests and/or where, owing to~~
38 ~~special conditions, a literal and exact enforcement of the~~
39 ~~provisions of zoning regulations will result in unnecessary~~
40 ~~hardship to the applicant.~~

41 (b)

42 In exercising said powers and duties, they shall not grant a
43 variance unless:

1 (1)

2 It shall be demonstrated that special conditions and
3 circumstances exist which, if there is a literal and strict
4 enforcement of the provisions of a zoning ordinance, would
5 constitute a hardship or practical difficulty in the use of
6 the property involved.

7 (2)

8 The board shall find that the granting of the variance will
9 not be contrary to the public interest or the general
10 purpose sought to be accomplished by the zoning ordinances.

11 ~~(3)~~

12 ~~The board shall find that the granting of a special~~
13 ~~exception to the terms of a zoning ordinance will not be~~
14 ~~contrary to the public interest.~~

15 (34)

16 In granting any variance, the board shall record in its
17 minutes the circumstances and conditions constituting the
18 hardship or practical difficulties upon which the variance
19 is based.

20 (c)

21 The board shall not have jurisdiction to consider any variance
22 allowing any use of buildings or lands not permitted within
23 any designated zoning classification.

24 (d)

25 The board shall not have jurisdiction to consider any variance
26 of distance requirements for liquor licenses from freestanding
27 Broward County public schools and approved charter schools,
28 pursuant to [Appendix A,] section 3.22 (VIII) (A).

29
30 SECTION 19: The Code of the City of Margate,
31 Florida, Chapter 2, Administration, Article IV Boards,
32 Committees, Etc. Division 2. Board of Adjustment, Section 2-79
33 Applications for variances and other appeals is hereby amended
34 to read as follows:
35

36 **Sec. 2-79. - Applications for variances and other appeals; fees.**

37 Applications to the board of adjustment for variance or other
38 appeals shall be filed with the ~~city clerk~~ Economic Development
39 Department on forms furnished by that ~~office~~ department. The
40 application or appeal shall be accompanied by the following fee:

41 (1)

1 For variances, ~~special exceptions, nonconforming use permit~~
2 ~~hearings,~~ and appeals of the zoning administrator's
3 decisions, etc.: Two hundred dollars (\$200.00).

4 (2)

5 For appeals from the board of adjustment to the city
6 commission: ~~Cost of certified postage.~~ The fee called for
7 in the appropriate case shall accompany the application or
8 notice of appeal, and if the fees are paid in the form of a
9 check, the check shall be made payable to the City of
10 Margate. Said sums shall be immediately forwarded to the
11 finance director to be placed in the appropriate account.
12 Failure to file such sums as costs shall render the
13 applicant's request or appeal void.

14
15 SECTION 20: The Code of the City of Margate,
16 Florida, Chapter 2, Administration, Article IV Boards,
17 Committees, Etc. Division 2. Board of Adjustment, Section 2-80
18 Proceedings on applications for variances or other appeals is
19 hereby amended to read as follows:
20

21 **Sec. 2-80. - Proceedings on applications for variances or other**
22 **appeals.**

23 Upon the filing of an application for a variance or other
24 appeal in proper form and the payment of the appropriate costs to
25 the City of Margate the procedure to be followed shall be in
26 accordance with the following appropriate regulations:

27 (a)

28 If the appeal is from a decision of an administrative officer
29 in the enforcement of zoning regulations, said appeal shall
30 be filed within thirty (30) days of the administrative
31 officer's decision. A copy of the appeal shall be furnished
32 to the administrative officer who shall within two (2) days
33 prepare a statement in writing of points involved and his
34 interpretation of the ordinances or regulations governing
35 same and his ruling thereof and shall furnish copies of
36 such statement to the board of adjustment and to the
37 manager of the city.

38 (b)

39 In the event the appeal or application is filed for the
40 purpose of seeking a variance ~~or special exception~~ to the
41 terms of any zoning ordinance, all public notice
42 requirements of Chapter 31, Section 31-55 of this Code a
43 ~~sign meeting all of the requirements as contained in~~

1 ~~subsection 39.4(d) of appendix A of the City Code shall be~~
2 ~~posted and said code provision complied with.~~

3 (c)

4 Where an appeal or application is filed for the purpose of
5 seeking a variance ~~or special exception~~, and in addition to
6 the foregoing, the date and time of the hearing shall be
7 published at least ten (10) days prior to such hearing in a
8 daily newspaper of general circulation in the municipality.

9 (d)

10 Reserved.

11
12 SECTION 21: The Code of the City of Margate,
13 Florida, Chapter 2, Administration, Article IV Boards,
14 Committees, Etc. Division 2. Board of Adjustment, Section 2-81
15 Decisions of the board is hereby amended to read as follows:
16

17 **Sec. 2-81. - Decisions of the board.**

18 (a)

19 The concurring vote of a majority of the members of the board
20 present shall be necessary to reverse any order, requirement,
21 decision or determination of any officer or official upon
22 zoning matters, or to grant a variance ~~or special exception~~ to
23 the provisions of an existing zoning regulation.

24 (b)

25 Orders and decisions of the board shall be in writing, one (1)
26 copy of which shall be kept by the board, one (1) copy shall
27 be forwarded to the city clerk and shall become a public
28 record, and one (1) copy shall be given to the applicant or
29 appellant.

30 (c)

31 A decision of the board wherein a variance ~~or special~~
32 ~~exception~~ to a zoning regulation is granted or denied, or a
33 ruling of the administrative official charged with the
34 enforcement of the zoning regulations is confirmed or
35 overruled, ~~or a temporary permit for a nonconforming use is~~
36 ~~granted or denied~~ shall be final and binding unless an appeal
37 is taken to the city commission.

38 Any aggrieved person or entity may appeal a variance, ~~special~~
39 ~~exception~~, or appeal of a ruling of an administrative official if
40 a request for an appeal ~~shall~~ is be made with the city clerk's
41 office within seven (7) days after the written decision of the
42 board of adjustment is transmitted to the city clerk. After action
43 of the city commission, the decision of the board of adjustment
44 shall be deemed either confirmed or, depending on the motion,

1 reversed. The affirmative vote of three (3) members of the city
2 commission shall be necessary in order to reverse the
3 recommendation of the board of adjustment.

4 No person or entity aggrieved by the grant or denial of any
5 variance, ~~special exception~~, appeal of the ruling of any
6 administrative official, or any other quasi-judicial determination
7 made by the board of adjustment may apply to the court for relief
8 unless he/she has first exhausted the remedies provided for herein
9 and taken all available steps provided for in this section.

10
11 SECTION 22: The Code of the City of
12 Margate, Florida, Chapter 11, Drainage and Waterway Structures,
13 Section 11-10 is hereby amended to read as follows:
14

15 ~~Sec. 11-10. - Reserved Special exemptions, application, deposit,~~
16 ~~hearing.~~

17 ~~All requests for special exceptions as will not be contrary to~~
18 ~~the public interests, where, owing to special conditions, a~~
19 ~~literal and exact enforcement of the provisions of this chapter~~
20 ~~will result in unnecessary hardship to the applicant, shall be~~
21 ~~filed with the city engineer. A filing fee of one hundred dollars~~
22 ~~(\$100.00) shall accompany the application for special exceptions~~
23 ~~to defray all advertising and engineering costs in the~~
24 ~~consideration of the application. The applicant shall furnish all~~
25 ~~engineering data as required in section 11-4 above to substantiate~~
26 ~~his request for special exception. Any moneys not used by the city~~
27 ~~engineer shall be refunded to the applicant. A public hearing~~
28 ~~shall be held by the city engineer not more than twenty (20) days~~
29 ~~after receipt of request for special exception who shall give due~~
30 ~~consideration to discussion by keeping a complete record of~~
31 ~~discussions at the public hearing. The city engineer shall,~~
32 ~~without undue delay, submit his report of the public hearing~~
33 ~~together with his recommendations to the city council for action.~~
34 ~~The city council shall determine, by resolution, any special~~
35 ~~exceptions to the terms of this chapter.~~

36
37 SECTION 23: The Code of the City of Margate,
38 Florida, Appendix A Zoning, Article XXXIX Sign Code, Section
39 39.4 Required signs is hereby amended to read as follows:
40

1 (D) (1) A public hearing sign shall be posted by the
2 petitioner when petitions are made for quasi-judicial land
3 use determinations or amendments to the future land use map
4 of the Margate Comprehensive Plan regarding specific
5 parcels. (This shall include any administrative appeals to
6 the city commission notwithstanding the fact that the
7 petitioner is not the person or entity appealing.) Signs
8 shall be single faced, four foot by four foot (4 x 4)
9 sign(s), with black lettering on a white background. The
10 sign shall be installed on the property proposed for the
11 public hearing seven (7) days prior to the public hearing
12 and shall contain the following language: "A public hearing
13 concerning the (petition to be heard) of this property will
14 be held by the (insert name of board or commission as
15 appropriate) of the City of Margate at (time, place and
16 date). Call (954) 972-6454 for further information."

17 Public Hearing Signs. All public hearing items heard by any
18 board, committee or City Commission of the City of Margate
19 shall post a public hearing sign as required by Section 31-
20 55(B) of this Code.

21
22
23 (2) The petition category, date of hearing and
24 information number shall be displayed in bold font a
25 minimum of six (6) inches in height. Signs shall be
26 posted on the property proposed for the hearing facing
27 all road frontages, set back five (5) feet from the
28 property line, and top of sign shall be six (6) feet
29 above grade. The petitioner shall submit a dated
30 photograph of all signs to the economic development
31 department.

32
33 (3) Petitioner shall execute a public hearing sign bond
34 agreement acknowledging that the above sign shall be
35 removed within two (2) business days following a final
36 determination on the matter, or if said sign is not
37 removed in two (2) days, that the petitioner, on behalf
38 of the owners of the property, authorize the
39 administration of the City of Margate to remove said
40 sign, and forfeiting the bond fee.

41
42 (4) In the event that a hearing as provided for in this
43 section is continued, then petitioner is required within
44 seventy two (72) hours of the order of continuance to
45 either:

46 (a)

Post a new sign, as provided for in this section, at a time designated by the tabling body; or

(b)

Amend time, place and date on the existing sign(s) such that it evidences the meeting as provided for by the order of continuance as determined by the tabling body.

All zoning map amendments, special exception uses, variances, waivers, or other matters that require public hearings, pursuant to the provisions of this section, shall be denied automatically unless all portions of this section have been complied with, prior to the public hearing. (A denial based upon the proceeding shall not prejudice an applicant to reapply for an approval at a later date.)

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

SECTION 24: The Code of the City of Margate, Florida, Appendix A Zoning, Article III General Provisions, Section 3.23.4 Minimum standards for development of new towers is hereby amended to read as follows:

(h)

Notice of public notification. Notice of an application for a conditional use permit shall be the same as provided for in Section 31-55 of this Code ~~sent via certified mail to all property owners within a one hundred foot radius of the affected property. The applicant shall pay a fee of two hundred fifty dollars (\$250.00) as well as the cost of the certified mailing.~~

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

SECTION 25: All ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed to the extent of such conflict.

SECTION 26: 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 27: 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 28: This ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS 12TH day of JULY, 2017.

PASSED ON SECOND READING THIS 23RD day of AUGUST, 2017.

ATTEST:


JOSEPH J. KAVANAGH
CITY CLERK


MAYOR TOMMY RUZZANO

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Caggiano	<u>YES</u>
Simone	<u>YES</u>
Peerman	<u>YES</u>
Schwartz	<u>YES</u>
Ruzzano	<u>YES</u>

Caggiano	<u>YES</u>
Simone	<u>YES</u>
Peerman	<u>ABSENT</u>
Schwartz	<u>YES</u>
Ruzzano	<u>YES</u>