

Appeal of Administrative Decision

December 7, 2021

Board of Adjustment Meeting

ID 2021-483

Special Exception Application Requirements

Abundant Life Christian Centre, Inc.

ITINERARY

- I. BACKGROUND
- II. APPEAL
- III. CITY PROCESS

Applicant

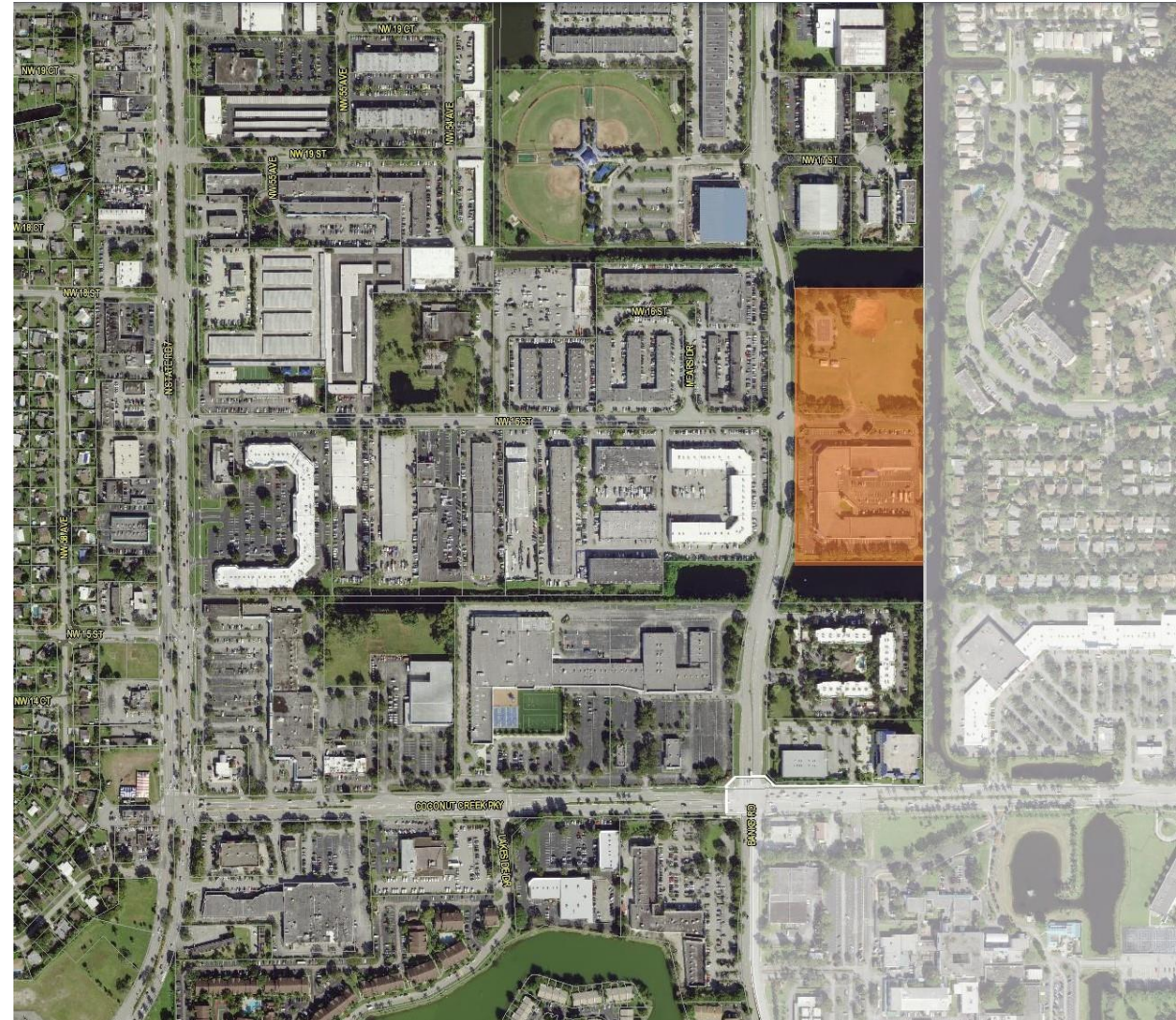
Applicant: Abundant Life Christian Centre, Inc.

Applicant Address: 1490 Banks Road

Applicant is appealing staff's determination that a site plan and associated information described in Section 31-54(b)(1) of the Code of the City of Margate is required as part of an application for a special exception use.



LOCATION MAP





9/10/1991

Applicant occupies property. CF-1 district permits schools incidental to church.

7/13/1994

City approves athletic fields on property as special exception use

2/15/2017

Ordinance 2017-1500.626 limits schools to accessory use of church

3/3/1992

Broward approved plat note restriction to allow 73,558 sqft church use

11/5/2007

City approves plat note amendment to allow:
-50,752 sqft of church
-23,881 sqft of existing private school
-6,277 sqft of existing daycare

3/9/2021

DRC review of requested plat note, to allow:
-75,000 sqft of private school
-7,000 sqft of daycare

APPLICATION

Indicate the specific code section related to the administrative order, requirement, decision or determination that is being appealed:

Article VI, Sec. 31-54(b)(1) subsections (a) through (d)

Describe alleged administrative error in detail:

This application is to appeal to the City's determination to require a site plan and the associated information in City Code Section 31-54(b)(1) subsections (a) through (d) as it relates to a special exception application for the Abundant Life school.

City Process: CF-1 Permitted Uses

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.

City Process:

Special Exception Application Requirements

Sec. 31-54. - Special exceptions.



- (a) *Purpose.* Special exceptions are generally compatible with other land uses permitted in a zoning district but, due to their unique characteristics or potential impacts on the surrounding neighborhood and the city as a whole, require individual review as to location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.
- (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:

City Process: Special Exception Site Plan Requirements

- (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:
 - 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:

City Process: Special Exception Site Plan Requirements (continued)

- 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.

City Process: Board Powers And Duties

Sec. 2-78. - Powers and duties.



- (a) The board shall have the following powers:
 - (1) To hear and determine appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations of the city.
 - (2) To hear and grant or deny such variances from the terms of any zoning ordinances of the city. To hear or deny such variances from the Code of the city as will not be contrary to the public interest or the general purposes sought to be accomplished by the zoning ordinances and where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinances will result in unnecessary hardship in the use of the property involved.
- (b) In exercising said powers and duties, they shall not grant a variance unless:
 - (1) It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.
 - (2) The board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances.
 - (3) In granting any variance, the board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.
- (c) The board shall not have jurisdiction to consider any variance allowing any use of buildings or lands not permitted within any designated zoning classification.

City Process: Appeal Proceedings

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



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

- (a) If the appeal is from a decision of an administrative officer in the enforcement of zoning regulations, said appeal shall be filed within thirty (30) days of the administrative officer's decision. A copy of the appeal shall be furnished to the administrative officer who shall within two (2) days prepare a statement in writing of points involved and his interpretation of the ordinances or regulations governing same and his ruling thereof and shall furnish copies of such statement to the board of adjustment and to the manager of the city.
- (b) In the event the appeal or application is filed for the purpose of seeking a variance to the terms of any zoning ordinance, all public notice requirements of [Chapter 31, Section 31-55](#) of this Code shall be complied with.
- (c) Where an appeal or application is filed for the purpose of seeking a variance, and in addition to the foregoing, the date and time of the hearing shall be published at least ten (10) days prior to such hearing in a daily newspaper of general circulation in the municipality.
- (d) Reserved.

City Process: Board Decisions

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



- (a) The concurring vote of a majority of the members of the board present shall be necessary to reverse any order, requirement, decision or determination of any officer or official upon zoning matters, or to grant a variance to the provisions of an existing zoning regulation.
- (b) Orders and decisions of the board shall be in writing, one (1) copy of which shall be kept by the board, one (1) copy shall be forwarded to the city clerk and shall become a public record, and one (1) copy shall be given to the applicant or appellant.
- (c) A decision of the board wherein a variance to a zoning regulation is granted or denied or a ruling of the administrative official charged with the enforcement of the zoning regulations is confirmed or overruled shall be final and binding unless an appeal is taken to the city commission.

Any aggrieved person or entity may appeal a variance or appeal a ruling of an administrative official if a request for an appeal is made with the city clerk's office within seven (7) days after the written decision of the board of adjustment is transmitted to the city clerk. After action of the city commission, the decision of the board of adjustment shall be deemed either confirmed or, depending on the motion, reversed. The affirmative vote of three (3) members of the city commission shall be necessary in order to reverse the recommendation of the board of adjustment.

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

THANK YOU