



### City Commission

Mayor Tommy Ruzzano  
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### City Manager

Cale Curtis

### City Attorney

Janette M. Smith, Esq.

### City Clerk

Joseph J. Kavanagh

## REGULAR MEETING OF THE PLANNING AND ZONING BOARD MINUTES

**Tuesday, March 3, 2020**

**7:00 PM**

City of Margate  
Municipal Building

### PRESENT:

Richard Zucchini, Chair  
Rob Reiner  
Juli Van Der Meulen  
Todd Angier  
Donald Fritz

### ALSO PRESENT:

Janette M. Smith, Esq.  
Andrew Pinney, Senior Planner, Acting Director Development Services Department  
Alexia Howald, Associate Planner

The regular meeting of the Planning and Zoning Board of the City of Margate, having been properly noticed, was called to order by Chair Richard Zucchini at 7:03 p.m. on Tuesday, March 3, 2020. A roll call of the Board members was done followed by the Pledge of Allegiance.

### 1) APPROVAL OF MINUTES

*ID 2020-098*

### 1A) APPROVAL OF MINUTES FROM THE PLANNING AND ZONING MEETING ON JULY 16, 2019 AND AUGUST 13, 2019

Mr. Angier made the following motion, seconded by Ms. Van Der Meulen:

**MOTION:** APPROVE MINUTES FROM THE PLANNING AND ZONING MEETING ON JULY 16, 2019 AS WRITTEN

**ROLL CALL:** Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

Mr. Angier made the following motion, seconded by Ms. Van Der Meulen:

**MOTION:** APPROVE MINUTES FROM THE PLANNING AND ZONING MEETING ON AUGUST 13, 2019 AS WRITTEN

### Development Services Department

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**ROLL CALL:** Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

2) **NEW BUSINESS**

*ID 2020-088*

- 2A) AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX-A ZONING; ARTICLE XXVIII – OPEN SPACE S-2 DISTRICT; SECTION 28.2 USES PERMITTED; SECTION 28.3 USES PROHIBITED; CREATING SECTION 28.7 LANDSCAPING, SECTION 28.8 YARDS, AND SECTION 28.9 FENCES, WALLS, AND HEDGES; PROVIDING FOR OPEN SPACE S-2 DISTRICT PERMITTED USES AND DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Andrew Pinney, Acting Director Development Services gave a brief presentation of the history of the ordinance. He said that the presented ordinance will replace the use of golf courses back into the S2 Zoning District, in addition it will add country clubs and municipal structures intended to provide for the health, safety and welfare of the community; with development standards for setbacks and landscape requirements.

Mr. Zucchini asked about the golf courses being referred to as CR (Commercial Recreational) on the land use maps. Mr. Pinney responded that land use designations are not the same as zoning regulations; he stated that land use identifies the future use of the property and zoning provides the specifics of how it (land) is to be developed. Mr. Zucchini asked the difference between S-1 and S-2 Zoning. Mr. Pinney replied by explaining the difference saying that they each serve different purposes.

Mr. Angier made the following motion, seconded by Mr. Reiner:

**MOTION:** APPROVED AS WRITTEN

**ROLL CALL:** Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

3) **CHAIR ADDITIONAL BUSINESS ITEMS**

*ID 2020-105*

- 3A) SECTION 3.24 OF THE MARGATE ZONING CODE – TEMPORARY USE PERMITS

Richard Zucchini presented, referencing the current Temporary Use Permits (TUP) Code, suggesting to develop a secondary type of Temporary Use Permit as a recurring event with a one-time fee.

Rob Reiner commented that there is a need to bring the residents together with the local businesses. He referenced a recent car show event that he attended stating that events such as these bring business to the businesses that host the events.

Todd Angier commented that he does not have an issue with the different types of promotional permits, and has no problem with making it easier for businesses to host these events.

Andrew Pinney explained the TUP process, from the application to the documents required to approve an event.

Janette Smith, City Attorney, recommended identifying what kind of events to include in the secondary permit and suggests reviewing the uses as listed in Section 3.24. Mr. Pinney agreed with the recommendation suggested by the City Attorney, and said that more specifics will be needed for a secondary TUP. Mr. Angier suggested setting parameters for the recurring event permit process. Discussion ensued to clarify the application process.

Mr. Pinney mentioned a code enforcement issue with a resident who has been having daily yard sales all year-long. He explained the community yard sale currently under the TUP and asked if the board could clean it up to just state yard sale so that it is applicable to single family as well as the commercial district; limiting it to four sales per year with a time limit in paragraph C.

Mr. Zucchini asked the Board for consensus to authorize Mr. Reiner to take the lead in researching and reporting back to the Board on changes to the Temporary Use Permitting process, in order to make a recommendation to the City Commission. All Board Members were in agreeance to this request. Ms. Smith confirmed consensus from all members of the board.

*ID 2020-108*

### 3B) SCHOOL CODE REQUIREMENTS, SECTION 8.4(B)(1)(L) OF THE MARGATE ZONING CODE

Mr. Zucchini presented, stating that last week Mayor Ruzzano held a luncheon with local principals from the various public, charter, and private schools within the community. He stated that he was in attendance and had the honor to sit with representatives from Rise Academy. Mr. Zucchini shared his recent visit to Rise Academy, stating that they are bursting at the seams. He said that the current Code of the City of Margate requires Charter Schools the same restrictions as Broward County School Board, which is requiring 36 acres, with some exceptions as notated in the Code. He wanted to bring this discussion in front of the Board to see if there is something that the City can do in recognition of their current situation.

Dr. Carmella Morton, Executive Director, Rise Academy School of Science and Technology introduced herself and spoke about Rise Academy Charter School, located at 6101 NW 31<sup>st</sup> Street. She stated that due to their current situation they are looking for more space to grow within the City of Margate. She explained that they are a high-performing Charter School and a STEM

School. Dr. Morton said that she is coming in front of the board to see if there is anything that can be done to assist with their expansion and growth to serve more students.

Janette Smith, City Attorney asked about the grades levels. Dr. Morton stated that they teach Kindergarten through 8<sup>th</sup> grade and have about 310 students. Ms. Smith asked about the memorandum of understanding with the School Board working with them. Dr. Morton responded that the School Board is their sponsor and are contracted with the School District. She explained that they are a public school serving the public population but what makes them a charter is that they operate under a contract.

Juli Van Der Meulen asked if they are looking to include higher grade levels in their school? Dr. Morton replied that they would like to increase the grade levels.

Ms. Smith asked if there is anything in the contract with the School Board regarding facilities? Dr. Morton replied that the requirements are similar to what the State mandates.

Mr. Zucchini mentioned the space where Penn Dutch was located in, which is within walking distance to the location of the school. He said that it is located on an arterial road (State Road 7), however, it has no access from State Road 7, the access is off of 31<sup>st</sup> Street. He asked if this building could be used for an expansion if requested by variance? Mr. Pinney replied that it may be eligible for a variance, but there is a second criteria which is the school must be located in free-standing single-use structure; explaining that this building is within a shopping center. Mr. Pinney then suggested the Board make a recommendation to the City Commission to take a legislative approach in regards to this matter.

Dr. Morton stated that she would be willing to go anywhere within the City of Margate that would allow the school.

Ms. Smith stated that she appreciates what Rise Academy is doing and understands the challenges that they currently face. She asked Dr. Morton if she has looked into working with a consultant to assist in all the criteria that is required with all levels of government (State, County, and City)? Dr. Morton responded that the facility section of their charter puts them in close relationship with the city that they operate in.

Dr. Morton concluded that the school works hard and plays hard; however, it is the exposure for the students that she prides herself in.

Mr. Zucchini said that he will look into what the board can do to assist. He then thanked Dr. Morton for all that she does for her school.

#### 4) **DIRECTOR'S REPORT**

Mr. Pinney gave an update on Margate 2.0 and the recent workshop with the Mellgren Planning Group. He addressed the upcoming board appointments asking the Chair if he would like to have a meeting in April to hold the elections if there are no other agenda items? Mr. Zucchini replied that he would like to have the meeting.

#### 5) **GENERAL DISCUSSION**

Mr. Zucchini, thanked Mr. Fritz for his service on the board over the last year.

Mr. Fritz, thanked the board, stating that it has been an honor serving the community.

Mr. Angier, gave an update on the new building that will be constructed at Margate Elementary School. He said that they are on schedule to demo the old buildings this summer with the completion of the new building by the summer of 2021. Mr. Angier said the students at the school will soon have a brand new building, which will be a health and safety improvement for everyone involved. He also thanked School Board Members, Nora Rupert and Robin Bartleman.

Mr. Reiner, thanked the board for the opportunity to serve over the last year, and hopes to continue to make a difference in the City.

Mr. Zucchini, stated that he is proud of the accomplishments of this board during the last year. He said that the special meetings resulted in good information for the board, staff, and commissioners. He said that he was proud to serve on the board and thanked everyone for their cooperation. He also thanked staff for their assistance.

Ms. Janette Smith, thanked everyone for welcoming her and for showing how much they care about the City.

Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Prepared by Melissa M. Miller

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Richard Zucchini, Chair