

CITY COMMISSION AGENDA ITEM REPORT

DATE: February 14, 2024

SUBMITTED BY: Collette Tibby

ITEM TYPE: Ordinance

TEMP. ORDINANCE NUMBER: 2551

AGENDA SECTION: **ORDINANCE(S) - FIRST READING**

TITLE: TO2551 - An Ordinance of the City Commission of the City of Tamarac, Florida amending Chapter 10, Article 3, Section 10-3.2, entitled "Table of Allowed Uses", of the City of Tamarac Land Development Code, specifically Table 10-3.1: allowed uses, establishing "Religious Assembly" use in the (BP) Business Park zoning district; providing for codification; providing for conflicts; providing for severability; and providing for an effective date.

RECOMMENDATION: The Director of Community Development recommends that the Mayor and City Commission deny the proposed Establishment of Use application to allow for the use of "Religious Assembly" within the BP (Business Park) zoning district at its February 14, 2024 meeting.

BACKGROUND: Michael H. Merino, Esq., designated agent for the applicant, Holy United Believers International, Inc. is requesting approval of an Establishment of Use application to allow for the use of "Religious Assembly" as a permitted by right use within the BP (Business Park) zoning district in the Table of Allowed Uses, Section 10-3.2(H), Table 10-3.1: Allowed Uses, Land Development Code. The Applicant has filed this application in support of an existing property generally located on the southwest corner of N.W. 67th Street and Nob Hill Road. Comprised of approximately 2.74 acres, the parcel contains a 17,100 sq. ft. office building, 129 standard parking spaces, 6 handicap parking spaces and a small, covered seating area to the rear.

The purpose of the Business Park zoning district is to provide for a mixture of light industrial, office, manufacturing, and limited retail uses in a business park, industrial park, or campus setting with high-quality site and building design features to attract and retain a skilled

workforce while supplying light industrial development. The applicant is proposing to utilize the site as a permanent location for the Holy United Believers International Church. Established in February of 2017, the church previously held services at the Tamarac Community Center for several years. The church purchased the building in February of 2023 after consulting with zoning and business revenue staff regarding the permitted use of the structure. However, the structure was occupied by the entity prior to obtaining the required safety permit, certificate of occupancy, and business tax receipt. As a result, both the city's Fire and Code Enforcement Departments issued violations against the property. A summary of the violations is listed below as follows:

- Code Enforcement Case 23-10102493 – Failure to obtain business license – Status – Active
- Fire Code Violation issued 11-28-2023 – Failure to maintain fire protection systems – Building was subsequently tagged as an unsafe structure and ordered to close.

According to the justification statement provided by the applicant, the church has a congregation consisting of 150 members. The bulk of the structure would be utilized for religious services and occasional weekend events. The church office would be open Monday-Friday from 9:00am to 5:00pm and weekly services would be held as follows: Sunday at 11:00 am, Tuesday at 7:00 pm, every other Thursday at 7:00 pm, and Fridays at 7:00pm. Since the structure had been historically occupied by commercial office uses and is located in an area that is integral to Tamarac's Economic Development Strategic Plan, the applicant was required to conduct a Traffic and Parking Analysis.

The study concluded that of the 135 parking spaces located on the site, 68 spaces would be needed to accommodate the church. The previous office use required 43 spaces based on the building's square footage. To that end, the church would utilize 25 additional parking spaces on the site and due to its operational hours, generate fewer peak hour trips than a typical office use (see attached Justification Statement and Traffic Study).

Prior to the submittal of the application, staff conducted research relative to a new Senate Bill requiring municipalities to allow for the development of affordable housing on commercial and industrial zoned property. As a result of the study, staff determined that just 11.9% of land

within the City of Tamarac is available for Commercial or Industrial use. The resulting outcome was the exemption of the City from a certain requirement of the new Senate Bill due to the scarcity of land available for commercial and industrial uses. This metric, established by the State of Florida, highlights the critical need to preserve the limited land available for expanding commercial and industrial uses in the City of Tamarac (see attached Zoning and Land Use Maps).

Consequently, the establishment of “Religious Assembly” in the BP (Business Park) zoning district and amending the land development code to reflect the same, would further limit the City’s ability to attract, retain, and sustain land for commercial and industrial uses in the area. Previous studies have substantiated the finding that cities with robust commercial and industrial centers attract jobs that spur local and regional economic development. Given the limited amount of land available in the city’s Business Park, utilizing the property for non-business uses would not only interrupt the synergy of the commercial and industrial corridor along Nob Hill Road but also deprive the city of any future ad valorem revenue generated by the property. Per the latest, Broward County Property Appraiser records, the City would be appropriated ad valorem revenue based on the current property valuation of approximately three million (\$3,000,000) dollars. Moreover, permitting the use by right in the BP (Business Park) zoning district would deprive the City of significant future ad valorem revenue on any qualified tax-exempt property containing a Religious Assembly use. As such, establishing the provision would have an extremely detrimental effect on Tamarac’s Economic Development.

ISSUE:

Michael H. Merino, Esq., designated agent for the property owner, Holy United Believers International, Inc. is requesting the approval of an Establishment of Use application to allow for “Religious Assembly” use to be permitted by right in the BP (Business Park) zoning district in the Table of Allowed Uses, Section 10-3.2(H), Table 10-3.1: Allowed Uses, Land Development Code (see attached Exhibit “A” and Justification Letter).

ATTACHMENTS:

[1- Establishment of Use Memo - HUB_MC.docx](#)

[2 - TO2551 Establishment of Use Ordinance HUB_MM.docx](#)

[City of Tamarac Current Zoning Map.pdf](#)

City of Tamarac Future Land Use Map - Revised.pdf
Justification Statment with Supplement Backup.pdf
Traffic Study & Parking Analysis.pdf
Zoning_Map Business Park.pdf