



City Commission

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REGULAR MEETING OF THE PLANNING AND ZONING BOARD <https://us02web.zoom.us/j/84408415918> MINUTES

Tuesday, June 6, 2023

7:00 p.m.

City of Margate

City Commission Chambers at City Hall

PRESENT:

Sloan Robbins, Chair
Catherine Yardley, Vice Chair
Y. Robert Pierre, Board Member

ABSENT:

Shekinah Awofadeju-Major, Secretary
Mohamed M. Sulaman, Board Member

STAFF PRESENT:

David Tolces, Interim City Attorney, Weiss, Serota, Helfman, Cole, and Bierman
Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Christopher Gratz, AICP, Senior Planner
Jim Hickey, AICP, CG&A
Howard Pavillard, Office Manager

The regular meeting of the Margate Planning and Zoning Board (P&Z) having been properly noticed, was called to order at 7:04 p.m. on Tuesday, June 6, 2022, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

1) APPROVAL OF MINUTES

- A) ID2023-174
APPROVAL OF MINUTES FOR THE APRIL 4, 2023, AND
SEPTEMBER 13, 2022, PLANNING AND ZONING BOARD (P&Z)
MEETINGS

Ms. Yardley made the following motion, seconded by Mr. Pierre:

MOTION: TO APPROVE THE MINUTES FOR THE APRIL 4, 2023,
PLANNING AND ZONING BOARD (P&Z) MEETING

Development Services Department

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ROLL CALL: Mr. Robbins – Yes; Ms. Yardley – Yes; Mr. Pierre – Yes. The motion passed with a 3-0 vote.

Ms. Yardley made the following motion, seconded by Mr. Pierre:

MOTION: TO APPROVE THE MINUTES FOR THE SEPTEMBER 13, 2022, PLANNING AND ZONING BOARD (P&Z) MEETING

ROLL CALL: Mr. Robbins – Yes; Ms. Yardley – Yes; Mr. Pierre – Yes. The motion passed with a 3-0 vote.

2) NEW BUSINESS

A) *ID2023-178*
TRANSIT ORIENTED CORRIDOR (TOC) CODE AMENDMENT

David Tolces, Interim City Attorney, introduced the item by title only.

Christopher Gratz, Senior Planner, presented on behalf of staff. He explained the importance of the amendment due to the need for multi-family housing in the Transit Oriented Corridor (TOC). He shared a zoning district map showing three TOC, including Corridor (TOC-C), City Center (TOC-CC), and Gateway (TOC-G).

Multi-Family Development

Mr. Gratz stated the first issue was a policy issue regarding residential development fronting directly on State Road 7. He explained as the Code is currently written, multi-family development is not permitted, but single-family and two-family dwellings are allowed. He stated this is an uncommon way to develop a well-traveled corridor, as a higher density is typically sought. He noted it would not make financial sense to build single-family homes or duplexes on these roads. Mr. Gratz explained staff recommends cleaning up the Code to disallow single-family homes and duplexes and allow multi-family developments fronting directly on State Road 7. He stated as currently written, there would have to be a commercial building fronting the road with a multi-family building behind it.

Continuing, Mr. Gratz stated the second issue related to multi-family dwellings as a permitted use. He stated multi-family dwellings in the TOC are current allowed by Special Exception only, and following posting of the Board materials, staff had decided to change its recommendation to maintain multi-family dwellings as a Special Exception use due to the need for oversight on site design and architecture. Mr. Gratz explained the staff recommendation was to disallow one-family and two-family dwellings in the TOC-G and TOC-C districts, but it was a moot point as they are not being proposed.

Development Standards

Mr. Gratz reviewed the development standards regarding residential building heights and setbacks in TOC-C and TOC-G, noting they are a difficult maze to understand. He stated the intent was to clean up the perplexing language. He shared the following height standards:

TOC-C:	Non-residential buildings – four (4) floors, 66 feet
	Residential buildings – four (4) floors, 50 feet
TOC-G:	Non-residential buildings – six (6) floors, 94 feet
	Residential buildings – four (4) floors, 50 feet

Mr. Gratz stated staff recommends all buildings follow the non-residential standards. He shared the standards for setbacks, noting the Code says to follow the Planned Residential Community (PRC) District, then refers to Multiple Dwelling R-3 District, with the following setback requirements:

Front:	25 feet or one-half the height
Side:	15 feet or one-half the height
Rear:	20 feet plus one (1) foot for each two (2) feet greater than 25 feet in height

Mr. Gratz noted the Code was unclear and leads to calculations that show nothing can be built on the property because the setbacks cut into it too much. He referenced the Landscape Code to provide additional explanation as follows:

Section 23-6 (B)(1) – 10-foot landscape strip required adjacent to the right-of-way.

Section 9.7 (O)(2) – Specific design standards

Arterials:	Urban greenway of 18 feet
	Eight (8) feet landscaping from the CURB + 10-foot multi-modal path (sidewalk)
All other Roads:	Urban greenway of 16 feet
	Eight (8) feet landscaping from the CURB + 8-foot multi-modal path (sidewalk)

Mr. Gratz explained the urban greenway is a different way of looking at things. He stated while setbacks are normally measured from the property line, in the TOC it is measured from the curb. He noted along State Road 7, the width of the right-of-way varies greatly throughout the City, with some areas measuring as much as 250 feet, and some areas down to 175 or 150 feet. He stated roads with large swales and green areas will mean the development is set way back, regardless of the setbacks within the regulations. He noted buildings would never be against the property line, as there will always be the 10-foot landscape strip in place.

Mr. Gratz stated staff recommends using requirements already within the Code, as follows:

Section 9.7 – Specific design standards

Front: 18 feet from the CURB on big roads, 16 feet on others

Side: Zero (0) feet

Rear: Property line to nearest building alleyway system
38 feet abutting residential

Alley: 12 feet

Mr. Gratz shared example images to illustrate setbacks. He discussed the current standards for setback from major roads and massing, which read as follows:

Setback: 75 feet from major roads when > four (4) stories or 66 feet

Massing: > 150 feet of roadway frontage, no more than 75 percent when four (4) stories

Mr. Gratz stated staff proposes removing the 75-foot setback requirements and keeping the massing. He stated the massing is a good thing, and keeps the frontage from being a massive wall, as it is too much without being broken up.

Continuing, Mr. Gratz shared the standards related to Mixed Use, as follows:

TOC-C and TOC-G: Horizontal mixed use with Special Exception

TOC-CC: Vertical mixed use with Special Exception, minimum four (4) stories

Mr. Gratz explained horizontal mixed use references buildings next to each other, but when we think of redevelopment, we think of things stacked on top of each other, with commercial on the first floor and offices or apartments above. He noted this would not be allowed in TOC-C and TOC-G under the current standard. Mr. Gratz stated this would be allowed with Special Exception in TOC-CC, but it was capped at four (4) stories. He noted the logic behind this relates to the need for an elevator versus buildings which are walk-ups. He pointed out the four (4) story minimum and stated this may be a reason there are not currently any of this type of development. He shared images of three (3) story mixed use buildings. He noted if the use was left as a Special Exception, the City could exert some design control to make sure nice products are built.

Mr. Gratz stated staff recommends vertical mixed-use in all TOC, minimum three (3) stories, with Special Exception. He added that this would make it more viable for a developer.

Mr. Tolces noted there were a number of professionals in the room to answer any questions.

Ms. Yardley referenced the example images and asked how ownership works. Mr. Gratz explained individual units were owned separately.

Mr. Pierre stated he loved it, but his concern was traffic. He asserted this would lead to more people on the corridor, and asked how that would be solved. Mr. Gratz responded there will be increased traffic. He stated that the County is in an interim phase related to transit, but in the meantime projects where people can live and work in the same place can cut down on the number of people on the road. He noted in Broward County, developers pay into a fund that supports roadway improvements for transit, but that would take a while. He discussed the density requirements for a good transit system to work.

Chair Robbins asked for clarification on the maximum heights for mixed use, and whether it could go to six (6) stories. Mr. Gratz stated it could, and staff was recommending the minimum be moved from four (4) stories to three (3) stories to make it more viable, as taller would require an elevator.

Chair Robbins called for public comment, and seeing none, closed the public hearing.

Ms. Yardley made the following motion, seconded by Mr. Pierre:

MOTION: TO RECOMMEND APPROVAL OF THE AMENDMENTS AS PRESENTED.

ROLL CALL: Mr. Robbins – Yes; Ms. Yardley – Yes; Mr. Pierre – Yes. The motion passed with a 3-0 vote.

B) *ID2023-179*
AN ORDINANCE TO UPDATE CHAPTER 2 – ADMINISTRATION, CHAPTER 11 – DRAINAGE AND WATERWAY STRUCTURES, AND CHAPTER 35 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES; DELETE CHAPTER 31 – PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS; AND CREATE CHAPTER 40 – LAND DEVELOPMENT CODE.

David Tolces, Interim City Attorney, introduced the item by title only.

Jim Hickey, Calvin, Giordano, and Associates (CG&A), presented on behalf of staff. He stated his team had been working with staff and the City Attorney for about three (3) years on a Code update. He explained the update would put everything into one (1) chapter which addresses land development, so that when applicants come before the Board the requirements and how they are implemented will be clear and concise.

Mr. Hickey stated what was before the Board at this time was phase one (1) of the Code update. He provided a brief overview of CG&A and his background. He provided a brief overview of the documents governing development, including the Comprehensive Plan and the Zoning/Land Development Regulations. He explained this document dictates how the building is set on the site, including setbacks, heights, and other factors, and details what is permitted and the processes for land development actions. He noted consistency between the plans and with the County and State plans is also required.

Mr. Hickey discussed the reasons for updating the Code briefly. He explained changes make the regulations meet current standards, as many sections have not been updated in 50-60 years. He noted redevelopment and things like TOC were not contemplated when the Code was created. He stated a complete review is needed to provide clear, concise regulations to assist owners, the development community, City staff, City Boards, and the Commission. Mr. Hickey stated the final product would include one (1) location for all land development regulations, with no need to check various chapters to find all sections related to a single issue, and the entire process provided step-by-step. He explained this would provide for a better understanding of the intent of regulations and would have an updated format with charts and tables.

Mr. Hickey provided an overview as follows:

Phase One

- Chapters 2, 11, and 35 changes
- Elimination of Chapter 31
- New Chapter 40, Land Development Code

Phase Two

- Chapter 23, Landscaping
- Appendix A, Zoning
- Appendix C
- CRA Architectural Design Guidelines (pending codification)
- Zoning Map review

Mr. Hickey stated phase two (2) was expected to come before the Board in September. He reviewed the key changes included in phase one (1), beginning with the creation of Chapter 40:

Chapter 40 – Unified Land Development Code

- One (1) location for land development regulations
- Only sections of the Code specifically related to land development will move to chapter 40
- Portions of Chapter 2
- All of Chapter 31
- Chapters 11 and 35 will remain
- Clarify and add land development regulations not currently in the City Code

Mr. Hickey noted all of Chapter 40 was considered new language. He explained that chapters 2, 11, 31, and 35 had been reviewed and input was received from all departments as the language was edited. He stated all of the fees were removed from the document and placed in a single place to make changes simpler. He summarized the major changes as follows:

Chapter 2 – Administration

- Updated Code language to reflect current City nomenclature

- Article IV, Divisions 2, 3, and 4 are edited and moved to new Chapter 40
- Chapter 11 – Drainage and Waterways
- Identify City and Cocomar Drainage districts
 - Clarify canal retaining wall permit requirements
 - 11-17 B. (1)(f) – The applicant shall identify the current owner of the structure during construction and shall identify the future owner who will own the structure upon completion of the project, and who will maintain the structure once completed.
 - Clarify construction in and upon waterways
 - All changes will remain in existing Chapter 11
- Chapter 31 – Platting, Subdivision and Other Land Use Regulations
- Updating terms and references to procedures
 - Establish a clear site plan process
 - Updating platting/subdivision design standards
 - Comprehensive Plan compliance
 - Eliminate duplicative, outdated regulations
- Chapter 35 – Streets, Sidewalks, and Other Public Places
- Update right-of-way abandonment procedure
 - Clarify responsibility for driveway approach maintenance, specify who does what in which portions of driveways
 - Sidewalk responsibility: added language for maintenance (City versus owners)
 - Clarify construction on docks/piers

Mr. Hickey pointed to the new Chapter 40, and stated the chapter would not be complete in phase one (1). He reviewed the language briefly, including purpose, definitions, and administration. He noted there was also an annotated outline at the end of the document. Continuing, Mr. Hickey reviewed the timeline for completion of the Code review. He stated after Planning and Zoning Board review, the next step would be readings of phase one (1) by the Commission on June 21 and July 5, 2023.

Chair Robbins called for public comment, and seeing none, closed the public hearing.

Ms. Yardley made the following motion, seconded by Mr. Pierre:

MOTION: TO RECOMMEND APPROVAL OF THE AMENDMENTS AS PRESENTED.

ROLL CALL: Mr. Robbins – Yes; Ms. Yardley – Yes; Mr. Pierre – Yes. The motion passed with a 3-0 vote.

3) GENERAL DISCUSSION

None.

There being no further business to discuss, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Sloan Robbins, Chair