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**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
HYBRID VIRTUAL MEETING
<https://us02web.zoom.us/j/83271898426>
MINUTES**

**Tuesday, August 9, 2022
7:00 p.m.**

City of Margate
City Commission Chambers at City Hall

PRESENT:

Todd Angier, Chair
Fred Bourdin, Vice Chair
Catherine Yardley, Secretary
Sloan Robbins, Board Member

ABSENT:

Grant O'Donnell, Board Member

STAFF PRESENT:

Elizabeth Taschereau, Director of Development Services
Andrew Pinney, AICP, Senior Planner
Christopher Gratz, AICP, Senior Planner
David Tolces, City Attorney, Weiss, Serota, Helfman, Cole, and Bierman
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 7:00 p.m. on Tuesday, August 9, 2022, by Chair Todd Angier, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

1) NEW BUSINESS

- A) *ID2022-338*
CONSIDERATION OF AN ORDINANCE TO REGULATE DRIVEWAYS
AND PARKING

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

Christopher Gratz, Senior Planner, introduced himself and his background, then presented the application on behalf of staff. He explained staff was asked to look

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at parking and driveway regulations within the City. He stated the section of Code was last looked at in 2014, but there are issues which persist.

Mr. Gratz shared photos of homes with multiple cars parked on the grass, in the street, and in the swale. He noted the City has two (2) types of roads, those with a swale system only and those with both a swale and curb. He explained the Code allows for parking in the swale if no curb is present and pointed out anyone can park there for any reason, despite home ownership. Mr. Gratz shared photos of signage showing blocked mailboxes. He explained he had stricken the entire language of the Ordinance and reorganized the content in a more readable way.

Continuing, Mr. Gratz stated the intent had originally been to address single-family detached units and duplexes, but there had been revision of the scope as the process went on. He shared an image of a single-family attached neighborhood and stated there was little difference in the needs of these types of communities, so the recommendation would be that it applied there, as well.

Mr. Gratz reviewed a summary table of the proposed Ordinance which was provided in the meeting backup materials. He discussed the current Code and proposed changes individually, including a move from a three (3) tier system to a two (2) tier system. He reviewed examples of the current and proposed Code as it applied to specific homes and lot sizes.

Mr. Bourdin asked about the number of cars which would fit in the different driveways in the examples. Mr. Gratz provided additional detail.

Mr. Gratz shared additional restrictions which were also included in the proposal, including:

- *Grass parking shall be prohibited in landscaped areas except for permitted parking at churches and schools, and during a temporary special residential or community event, such as a family social gathering or community event being held by the subject property owner or occupant for a period not to exceed eight (8) hours provided it is not between the hours of 2 a.m. and 7 a.m.*
- *Swale parking in all residential districts shall be limited to the occupants or invitee of the occupant of the abutting property.*
- *On-street parking will be prohibited anytime on roadway segments with double yellow lines, and within 10 feet either side of a mailbox Monday through Saturday between the hours of 7 a.m. and 8 p.m.*

Mr. Gratz explained swale parking is already prohibited on a curbed road, and that would not change with the Ordinance.

Ms. Yardley asked for clarification on swale parking. Mr. Gratz explained that under the current Code, swales with no curb are available for parking. He stated while the resident is responsible for maintenance of the area, they do not currently have control over who can park there. He noted the proposal was to change that, and that relief would be available on a complaint basis.

Mr. Gratz stated that staff would create easy-to-follow graphics, so the public understood how to design a new driveway, the setback requirements, and parking regulations, in addition to simplifying the Code language.

Chair Angier asked about application of parking near mailboxes. Mr. Gratz responded that it would apply to any type of situation where the resident may have their mailbox blocked.

Mr. Robbins asked whether there would be a proposal to add attached housing to the Ordinance. Mr. Gratz stated there would, because he did not see any difference between single-family attached, duplexes, or single-family detached.

Mr. Robbins asked whether the proposal to limit the amount of parking on the street would apply to those not allowed to expand their parking, like attached houses. Mr. Gratz stated it would be up to the Commission, but his recommendation would be to add those houses to this Ordinance. He asked counsel for clarification on the process for adding to the proposed language.

City Attorney Tolces referenced the document and stated if it were the wish of the Board, the word "detached" would be removed, so the proposal would read single-family dwellings. Discussion ensued as to how to word the change.

City Attorney Tolces explained the motion could include the revision.

Mr. Gratz stated if he had the full information earlier, he would have written the draft Ordinance to include both attached and detached single-family units, as he saw it as fair. He concluded his presentation and stated he was available if the Board would like a line-by-line review of the proposal or had questions.

Ms. Yardley referenced homes with teenagers and adult children living at home and stated that Margate is an affordable community. She asked how residents could manage the extra vehicles, and whether those unable to afford a u-shaped driveway could put a small parking spot on one (1) side of their yard. Mr. Gratz stated unless it was a corner lot, the addition of that space would not be allowed.

Ms. Yardley expressed concern regarding making it affordable. She stated Margate has that market, with no Homeowners' Association and the ability to make their lives work. She stated she was in support of not parking on the swale, and noted she puts things in hers so the neighbor will not park in it. Mr. Gratz stated depending on frontage, another driveway could be added. He noted mechanically, there has to be a limit on how much of the property can be paved.

Ms. Yardley agreed that it would look ugly. Mr. Gratz pointed out the way to get that extra space would be a circular driveway. He stated adding a third driveway to a smaller lot was not the staff recommendation, but if the Board wanted to entertain that, it could be discussed.

Mr. Bourdin stated he had enjoyed the presentation and seeing options to enforce no parking areas in the swale and add additional spaces. Mr. Gratz clarified that parking on the swale with no curb would still not be permitted, but the grass on the property would be restricted. He noted the swale would only be available to the resident or someone they had given permission.

Mr. Bourdin referenced his community and stated they do not allow any cars parked on the swale.

Ms. Yardley stated it would be nice if there was something in the Ordinance which allowed her family to park all three (3) cars and still give space for the kids to play, because Winfield Boulevard does not give any space for safe bike riding. Mr. Gratz provided further clarification regarding temporary parking on the grass and parking on the swale.

Ms. Yardley noted that homes like hers with more than two (2) or three (3) children need options that do not include parking on the grass and leaving it looking like trash. Mr. Gratz stated the Ordinance would give more breathing room, but they could not pretend to solve all potential problems.

Mr. Robbins asked whether there was additional verbiage related to expediting driveway permits. Mr. Gratz stated understanding the regulations and having a picture that shows how to meet the requirements of the Code would be a good expediter, making the process simpler.

Chair Angier referenced the pictures and asked why 18 inches off the property line was being utilized. Mr. Gratz stated that remained unchanged. He explained if the neighbor to the other side also had a driveway 18 inches off the property line, that would allow for some green space between. He noted that was an aesthetic choice currently existing in the Code.

Chair Angier stated on a zero (0) lot line, they would be allowed to go up to the edge of the property. Mr. Gratz clarified that would only be on the zero (0) side, the other side would have a 10-foot separation.

Chair Angier asserted this was a double standard, because one (1) can go to the edge of their property line and the other is not allowed. He stated consistently speaking, you should be able to go to the edge of your property line. Ms. Yardley agreed.

Chair Angier stated if the average car was 9-foot by 18-foot, a 27-foot driveway would not work, because the middle car would be unable to open their doors to get into the car. He asked why staff was not considering 30 feet across to give space. Mr. Gratz stated that was a thought, but that would leave less green space, which is especially an issue on small lots.

Chair Angier stated the reality would be that with three (3) cars in a 27-foot driveway, two (2) cars would be parking partially on the grass. He referenced Ms. Yardley's comments and noted once you start parking on the grass, it tears up and looks terrible. He asserted some people would put gravel there, but they should be able to put the driveway all the way across. He stated he understood that they would be losing some green space, but if the house has three (3) cars trying

to park in the driveway, they would be unable to. Mr. Gratz responded that it was an aesthetic judgment of what the Board wanted the City to look like. He stated the Board could recommend that, but staff had thought the proliferation of pavement was not a good look for the City.

Elizabeth Taschereau, Director of Development Services, explained the average parking spaces are 9x18, not the vehicles. She noted the decision would be up to the Board and Commission and stated she could provide photos to show that when driving down the street, you would just see massive parking lots. She asserted that was the point of providing green space.

Chair Angier stated he understood the point, and that the City was in a difficult situation, but staff was trying to solve a problem which balances aesthetics and functionality. He stated the problem is that when a lot of these houses were built, people only had one (1) car, so it made sense to have one (1) small driveway on the property. He noted someone like Ms. Yardley could have a point when she needs to park five (5) cars on the property, because society has a lot more cars. He asserted that if they were planning for 9x18 cars, 27 feet was not practical.

Ms. Taschereau reiterated that the cars are not 9x18, the parking spaces are. She noted a correction to the presentation was needed. She explained the allowance was per space, per car. Chair Angier stated that made more sense.

Ms. Taschereau explained what staff was trying to alleviate was having a row of cars all in front of the house. Chair Angier stated he understood that was the objective, but the residents were not going to sell any of their cars, they would still have those cars to park. He noted by allowing for a wider or larger driveway, he saw staff was trying to improve the aesthetic of the yard.

Ms. Taschereau stated staff was noticing many patio and carport expansions and enclosures because more people are now living in the home, including renters. She asserted situations where there are more cars does not necessarily mean they are all family.

Chair Angier stated that was a different subject.

Ms. Yardley stated the government allows for a non-renter to have as many people in their house as they want. She discussed her family situation versus a situation where every room in a house was being rented out and stated she should not have to have concerns regarding the number of vehicles her family has parked on their property, because they are allowed to live there. She asserted it did not make sense, and discussed subletting as not being good for the neighborhood or her children. Continuing, Ms. Yardley stated they should consider COVID-19, and the impossibility of locating an affordable rental. She noted her daughter cannot afford to live near her because she can't get by.

Ms. Taschereau stated this may be an affordable housing issue, but the Ordinance was trying to plan for that by having wider driveways and different options. She stated the P&Z Board and the Commission would need to consider what they want to see in their community.

Ms. Yardley stated if they can alleviate parking on the grass and give more driveways that they can allow for, it will be part of what people are willing to accept when they move into Margate.

Mr. Robbins asked whether a fourth car would be able to park parallel along the existing three (3) car driveway. He stated that would allow for fitting four (4) cars without parking on the grass or the curb. Continuing, Mr. Robbins noted that paving anything more than 50 percent of your lawn was a little excessive. He stated you want your kids to be able to play in the front yard and not just have a driveway and asserted if you had more than four (4) cars, you might need to get a bigger house.

Ms. Yardley argued "just getting a bigger house" was a big deal for some people. She stated in regard to boats, maybe people need to consider that recreational vehicles need to be in the backyard where it is not taking up a parking space.

Chair Angier stated he believed there were several different issues overlapping, and boats, rentals, and bed and breakfasts are becoming bigger issues but should be separate issues. He asked that the discussion focus on parking. Continuing, Chair Angier referenced the photos in the presentation and stated he did not think that he would drive down the street and see a sea of parking, but if he saw cars parked on the grass, he would have a non-favorable opinion of that house in particular and that neighborhood. He stated with telling residents they can no longer park on the grass but they have the option to put a larger driveway in based off the size of their property, that was a great option.

Chair Angier stated Margate was entering a phase where there needed to be more parking available for single-family homes. He noted people are going back to live with their parents because they can't afford to live on their own, and other changes to the economy might cause people to move home because they do not have a job. He asserted this would cause a greater demand on parking. Chair Angier stated he liked the fact that the Ordinance widens the driveways and tries to widen circular driveways. He noted he understands that staff is trying to keep as much green space as possible, but he does not understand the small piece of green space in the middle of a circular driveway, or the setbacks.

Mr. Gratz confirmed the setbacks were intended to provide green space, and separation between properties. He noted they are also often the easement.

Chair Angier stated he could go with the five (5) feet because that made more sense, but he did not support the 18 inches. He asserted the owners should be able to pave up to the property line if necessary. Mr. Gratz reiterated that the 18-inch requirement was already in the Code, and he was not proposing anything new.

Ms. Yardley agreed, stating she did not believe that 18 inches of green space was necessarily something people would want. She noted she and her neighbor would be happy to get rid of having to take care of a little tiny piece of grass. Mr. Gratz pointed out that if you park in your driveway with no setback, you would be getting out of your vehicle onto your neighbor's property.

Ms. Yardley stated there needed to be something that divides the line between two (2) properties, such as the way the pavement is made. She asserted she did not think anyone was going to be unhappy saying their pavement was coming together, because it is less management for both parties.

City Attorney Tolces stated that from a legal perspective, they would run into issues because your car door would open right onto your neighbor's property, and they could, in theory, put a fence along the property line which would prevent you from parking there. He noted the 18 inches provides room for green space, but more importantly, it provides separation and for the ability to construct a fence if needed. He added there would be potential impact between two (2) vehicles owned by two (2) different people and other potential conflict.

Chair Angier asked whether that would be an issue with zero (0) lot line properties. City Attorney Tolces responded that he did not know. He stated he did understand Chair Angier's issue with consistency.

Chair Angier stated if you are going to have a problem with that type of an issue on zero (0) lot lines, you would have it everywhere.

Mr. Bourdin stated they had not discussed how wide a car actually is.

Andrew Pinney, Senior Planner, responded. He stated he had built his driveway in 2015 under the current regulations and put it about 4.5 feet from the west property line and three (3) feet off the east property line. He explained his neighbor to the east has planted a hedge along her side of the property line to the sidewalk, and sometimes the passenger's door brushes the hedge if it isn't trimmed right to the property line. He noted this is double the space the Code requires and asked that the Board consider that neighbors may have landscaping.

Mr. Pinney explained that the water management district requires that homeowners maintain the first inch of rain on the property, which was also a consideration when the 18-inch standard was created. He commented on the zero (0) lot line community, noting in those districts the house is allowed to be built right on the property line, with language in the Code that allows the eave of the roof to hang onto the neighboring property but requires gutters to maintain the first inch of rain on their own property. Mr. Pinney stated the original Code had the 18-inch requirement, and they were trying to maintain the regional standard by not recommending a change. He asserted the big picture was that there was a substantial increase for larger properties. He noted it was also an increase from two (2) cars to three (3) cars on smaller lots, and stated it was a big step to make larger driveways in the City.

Mr. Pinney addressed the car wheel base question, explaining 9x18 was a minimum standard applied to parking spaces on commercial properties. He stated with the six (6) inch stripe space that gives plenty of room for cars to pull into the space and still get in and out of the vehicle. He noted a trailer which is towed behind a truck is capped at eight (8) feet. Continuing, Mr. Pinney

stated an old version of the Code allowed for a 16-foot driveway and recognized that as enough room for two (2) parking spaces.

Mr. Bourdin stated he understood that it could be a liability if the driveway was too close to the property line. He noted it was a safeguard and also went to what Ms. Taschereau had said regarding aesthetics.

Mr. Robbins added the perspective of his single-family attached neighborhood, and stated they have a one (1) car driveway. He asserted he was thrilled by the potential impact on neighborhoods like his.

Chair Angier stated he understood the City Attorney's comments regarding problems between neighbors, but he saw that problem could exist on a zero (0) lot line. He reiterated that he was looking for consistency and asked whether someone could come forward in the future and say the City was willing to do it for someone else, but not for them.

Mr. Pinney stated if the Board wanted to apply the rules consistently, they could recommend 18 inches on the zero (0) lot lines, as well. Mr. Gratz noted he had seen a lot of zero (0) lot line homes with a garage where the garage and driveway do not line up. He stated even in that situation, there was a separation on the opposite side of the lot.

Chair Angier stated he believed in consistency, and if they were going to do it for one, they had to do it for all. He added that he liked the fact that they would be allowing people to have larger driveways, and that they did not want people to park within 10 feet of anyone's mail box, because the Post Office will not deliver if the mail box is blocked. Chair Angier stated he also liked that people would not be allowed to park on the grass. He noted he understood there would be a cost to putting in a new driveway, but from an aesthetics standpoint, it's more important to get cars off the grass than it is to have 18 inches off the property line. He stated what was included in the Ordinance was good, and the amendment regarding attached and detached should be included.

Mr. Bourdin asserted that as far as consistency, he disagreed because the fact that they had zero (0) lot lines was already inconsistent. He stated the proposal met a lot of the requirements and needs of the people. Mr. Gratz agreed and stated he had denied several permits from zero (0) lot line properties where the residents wanted to have their driveway line up with the edge of their house.

Chair Angier called for public comment.

Tommy Ruzzano, 116 East Palm Drive, stated he appreciated the great ideas shared. He agreed with Chair Angier's comments and stated if they were going to try to solve the problem, they should solve it. He asserted a percentage did not really address how many cars the house has, and maybe it should be based on how many cars the person really needs at their house. He stated he understood not having an offset between driveways was not the best look, but if you have 80 feet of property and want to do 60 feet, you should be able to accommodate your five (5) or six

(6) cars. He noted parking is a huge problem in the City, and he would rather have people have larger driveways than park on the grass.

Chair Angier closed the item to public comment.

Mr. Robbins asked whether flooding would be an issue if there was that much asphalt and not enough open land.

City Attorney Tolces asked staff whether that was something the City Engineering Department would look at as part of the permit application. Mr. Gratz stated it was intended that the property maintain the first inch of rain instead of allowing it to run onto the neighbors. He addressed the use of the swale as a critical part of the drainage system. He noted if the swale was paved on a road that does not have curb and gutter, there would be a problem unless underground drainage was put in.

Ms. Yardley stated she did not see a difference, because she already sees a lot of water on her property because of the way that the land curves up toward the house. She stated even if they paved additional space, the water would still not come all the way up to her house and would have to go somewhere like it does now. She stated the view should not be more important than the people.

Mr. Bourdin made the following motion, seconded by Mr. Robbins:

MOTION: TO RECOMMEND APPROVAL OF THE ORDINANCE AS PRESENTED WITH THE PROPOSED EDIT TO REMOVE THE DIFFERENTIATION BETWEEN ATTACHED AND DETACHED DWELLINGS.

ROLL CALL: Mr. Angier – Yes; Mr. Bourdin – Yes; Ms. Yardley – Yes; Mr. Robbins – Yes. The motion passed with a 4-0 vote.

2) GENERAL DISCUSSION

Chair Angier reminded the Board the September meeting would be on September 13. He explained how to contact staff with any issues, and noted he had asked Ms. Taschereau to provide the backup material for the September meeting early, if possible.

There being no further business to discuss, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,
Meeting minutes prepared by Prototype, Inc.

Todd Angier, Chair