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Cole & Bierman

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**REGULAR MEETING OF  
THE PLANNING AND ZONING BOARD  
HYBRID VIRTUAL MEETING  
<https://us02web.zoom.us/j/83776581254>  
MINUTES**

**Tuesday, May 3, 2022  
7:00 p.m.**  
City of Margate  
City Commission Chambers at City Hall

**PRESENT:**

Fred Bourdin, Vice Chair  
Catherine Yardley, Secretary  
Grant O'Donnell, Board Member (at 7:20 p.m.)  
Sloan Robbins, Board Member

**ABSENT:**

Todd Angier, Chair

**STAFF PRESENT:**

Elizabeth Taschereau, Director of Development Services  
Andrew Pinney, 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 7:02 p.m. on Tuesday, May 3, 2022 by Vice Chair Fred Bourdin, in the City Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, FL 33063.

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**1) APPROVAL OF MINUTES**

- A) *ID2022-221*  
APPROVAL OF MINUTES FOR THE MARCH 1, 2022 AND APRIL 5, 2022 PLANNING AND ZONING BOARD MEETINGS AND THE MAY 18, 2021 BOARD WORKSHOP MEETING.

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

**MOTION:** TO APPROVE THE MINUTES FOR MARCH 1, 2022, APRIL 5, 2022, AND MAY 18, 2021 AS PRESENTED.

**Development Services Department**  
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**ROLL CALL:** Mr. Bourdin – Yes, Ms. Yardley – Yes; Mr. Robbins – Yes. The motion passed with a 3-0 vote.

**2) NEW BUSINESS**

**A) ID2022-223**

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 31 - PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS AMENDING SECTION 31-38 - ISSUANCE OF BUILDING PERMITS, SECTION 31-54 - SPECIAL EXCEPTIONS; AMENDING CHAPTER 23 - LANDSCAPING, SECTION 23-3 - APPLICATION OF LANDSCAPING CODE, SECTION 23-4 - PLAN REQUIRED, AND SECTION 23-9 DUMPSTER AND OTHER SCREENING REQUIREMENTS; AMENDING APPENDIX A - ZONING, ARTICLE XXXIII - OFF-STREET PARKING AND LOADING, SECTION 33.2 - PARKING DESIGN STANDARDS; PROVIDING FOR REVISION OF THE APPROVAL PROCESS FOR APPLICATIONS FOR CHANGES OF OCCUPANCY GROUP OF EXISTING STRUCTURES; PROVIDING FOR SPECIAL EXCEPTION APPLICATION REQUIREMENTS FOR EXISTING STRUCTURES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Interim City Attorney David Tolces explained the item was an Ordinance in reference to proposed revisions to the Development Review Committee (DRC) process for certain developments.

Andrew Pinney, Senior Planner, presented the item on behalf of staff. He explained the changes were a collaboration between the City Manager's Office, Development Services Department, Engineering Department, and Building Department, and were narrow in scope related to the DRC review of the change of occupancy group and special exception. He noted the changes were in relation to existing buildings and structures and reviewed the changes briefly.

Mr. Pinney provided examples of changes in occupancy under the Florida Building Code and City Code and noted the Ordinance would provide an exception where the DRC does not have to review a change of occupancy in a non-residential space if there are no changes to the building envelope. He stated similar changes were provided for special exceptions where all changes are contained within an existing building. Mr. Pinney stated staff was recommending approval with one (1) additional modification. He explained the existing requirements and stated staff asks the Board to recommend an exception that the public notice requirements for quasi-judicial hearings on special exceptions within the structure be required to post a four (4) foot by four (4) foot sign.

Mr. Robbins stated the proposal appeared to take the burden off the City to do things in a timely manner, and potentially letting the landlord off from doing certain improvements. He asked whether the intent was to expedite businesses to get into those vacant locations.

Mr. Pinney responded that it would allow businesses to fill those spaces a little quicker. He explained right now when a tenant submits this type of application, it triggers a mechanism to bring the entire shopping center into compliance, which pits tenants versus landlords in who is going to do the improvements. He noted staff had discussed a follow-up ordinance which would address some type of amortization program giving property owners certain dates to comply in bringing up-to-date landscaping, lighting, and other maintenance items to take the burden off the tenant and put it back on the property owner where it belongs.

Mr. Robbins asked when the additional Ordinance would come before the Board. Mr. Pinney stated he anticipates it later this year.

Mr. Tolces pointed out the requirement on page 13 that submittal for building permit include a detailed parking calculation. He explained DRC would be reviewing that parking calculation to ensure there was no adverse effect as a result of an expansion or change of use. Mr. Pinney added the applicant would have to justify that the use fits on the property in permitting.

Ms. Yardley asserted that whatever makes it easier for someone to run a business, that is what is important. She stated empty stores look like blight, so helping business owners to move forward with whatever their creative ideas are would help to fill up the empty stores in Margate. Ms. Yardley added that a lot of people would be interested in trying to make their creative business idea happen if there was less regulation. She stated part of growing is being given an opportunity to grow, and Margate can provide that opportunity.

Mr. Robbins asked how much time it is really saving to mainstream this process. He stated he believes a lot of businesses are reluctant to come into those outdated areas, and that is why they are not in there. He asked the current timeline. Mr. Pinney stated it would be shortened significantly. He noted he did not have exact numbers, but he could list the process and the Board could come to their own conclusions.

Elizabeth Taschereau, Director of Development Services, clarified that right now, if a tenant is expanding into an adjacent bay of a shopping center, the City is requiring them to look at all of the landscaping for the retail center, all lighting, putting in a dumpster enclosure if it does not exist, even though they are not the owner of the property. She noted getting experts to do reviews of all of those things takes time and costs money, so as a result business owners take some time to determine whether they have the time and money to go through the process. She explained the proposed changes are attempting to shrink that time and cost for those tenants.

Mr. Robbins asked whether the changes were only for expansions or would apply to new businesses coming in to vacant properties and stand-alone buildings. Ms. Taschereau stated it could be a vacant property and used the example of a new restaurant coming in where another restaurant had gone out of business. She noted because it is the same use, if you are leasing it, you would not have to go through the entire DRC requirements, but the owner eventually will. She stated that can be enforced now.

Mr. Robbins asked whether this just buys time for that to take place. Ms. Taschereau explained this gives the tenant the ability to move into the space prior to the other things being enforced on the actual property owner, so they can continue to get permits and move through the process.

Mr. Robbins asserted it sounded like a good idea, but with the amount of turnover that had been experienced in Margate, it seemed like there was an underlying issue. He stated it was not about trying to get businesses in quicker, but about quality businesses that would be able to stay. Mr. Robbins noted if they do not have that landscaping or lighting, it may affect their longevity as a business. He referenced Margate Boulevard, and stated it seems there has not been businesses that have been able to stay. Ms. Taschereau responded that issue was a matter of Code Enforcement on those properties and the owners. She stated that was an initiative the City could take on.

Mr. Pinney returned to the question regarding the timeline and explained the process when going through the DRC requirements. He noted he has seen businesses drop the project once they learn they have to go through the process, and others who have taken six (6) months to a year to get the required plan sets together, and that is before they even get to the application process. He stated the DRC does a thorough job of reviewing the applications, because State law places restrictions on development permits.

*Mr. O'Donnell joined the meeting at 7:20 p.m.*

Continuing, Mr. Pinney explained Code requires at least 30 days from submission of plans to DRC hearing, and with current scheduling and workload, it is sometimes longer. He noted more often than not, there are deficiencies at the DRC level and they have to reapply. He stated he has seen applicants spend over a year working through the process of trying to expand a restaurant or add a new service to their business, so the proposed changes could save a substantial amount of time and money for businesses wanting to open their doors or expand.

Mr. Pinney reiterated that a follow-up ordinance would shift the burden of improvements to the landlords. He stated staff had tried in 2020 to put the burden on the property owners with the introduction of the Master Parking Plan but had found it was not really effective. He pointed the Board to page 15 of the Ordinance, lines 37 to 42, and read the following for the record:

*The property owner is responsible for making all improvements described in the approved master parking plan prior to the issuance of any temporary certificate of occupancy, certificate of occupancy, or certificate of completion for any application required to comply with this section.*

Mr. Pinney explained that even though that language exists in the Code, when the applicant finds out they have to do a change of occupancy through the DRC, they have obtain landscape plans, irrigation plans, and have the lighting tested for a full shopping center, and when they go to the landlord, they are told because their application triggered it, if they really want to open, they have

to do it themselves. He noted that rarely, they see a property owner step in and make the investment to fix up the property and facilitate the tenant.

Mr. Robbins asserted that it seems even though they are not doing the right thing, the landlord is still going to end up being rewarded in the proposed Ordinance by getting those tenants.

Mr. Pinney stated the Ordinance takes the trigger for those improvements off the tenant's application, and later this year there will be a follow-up ordinance that starts an amortization and places the responsibility solely on the property owner, without being linked to any tenant coming or going from the plaza. Mr. Tolces added that for those egregious situations, the City still has the right to enforce through the Code Enforcement process.

Mr. O'Donnell asked the reason for the change, and whether it had been triggered by a certain development within the City. Mr. Pinney reiterated that the changes were a collaboration between the City Manager's Office, Development Services Department, Engineering Department, and Building Department. He stated it was not triggered by a particular project but was the result of a number of complaints over the years. Mr. Pinney explained it was roughly 2009 when the City linked change of occupancy or special exception triggers to this type of application. He noted there were amortization dates for dumpster enclosures and lighting built into the Code prior to that change.

Mr. Pinney stated 2009 was also when the real estate market collapsed, so it did not seem fair to hold to those amortization dates when shopping plaza owners were losing tenants because stores were closing. Mr. O'Donnell stated now the market was at a better point.

Mr. O'Donnell asked how the Workshop had gone regarding the sidewalks. He stated he was surprised no one was at the meeting to discuss it. Mr. Pinney asked that the discussion be redirected back to the item at hand and explained that question could be addressed during General Discussion later in the meeting.

Vice Chair Bourdin reiterated the staff recommendation was approval with added language regarding the public hearing signs as a condition.

Ms. Yardley stated she felt people need an opportunity, and if the City of Margate can provide that, they should. She noted other cities might be more difficult to get into, but if they are able to help people start businesses in Margate, they will be grateful and may be willing to stay. Continuing, Ms. Yardley asserted if the City had more money, they could do things like offer homeowners a discount on impact windows. She stated one of the things that makes Margate great is that there are not a lot of Homeowners Associations (HOA). She added that as a realtor, that is an important thing.

Vice Chair Bourdin agreed, and stated Margate should be proud, and want people to come and stay, with a happy place to work. He stated Margate is a working-class neighborhood, with a good bunch of people and a vibrant feeling of cohesiveness.

Mr. Robbins stated he was not disagreeing with trying to build the attractiveness of the City, but he was saying there was something else that was an underlying issue that these businesses are not retaining in the City. He asserted he personally thought a lot of it comes from that curb appeal, which is what he is worried about with the landlord situation. He noted he agrees Margate should be attractive to businesses, but it is about keeping quality businesses here.

Mr. O'Donnell stated he agreed, and asserted he thinks the amendment has to do with the older structures the City is trying to clean up and make look better, not just new business.

Mr. Pinney explained the ordinance is focused on existing structures, to include changes of occupancy such as a tenant expansion or a special exception process. He stated it eliminates the DRC process so they can open the doors quicker.

Mr. O'Donnell asked whether this would open the door so when a new business comes in, everything gets fixed up at that point. Mr. Pinney stated that was not the intent of this ordinance. He explained this was separating the property improvements from the business opening. He explained the process under the current code regarding improvements required and review of plan submittals by the DRC. He explained the ordinance narrows that scope where changes are internal and do not touch the building envelope outside.

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

Ms. Yardley made the following motion, seconded by Mr. O'Donnell:

**MOTION:** TO RECOMMEND APPROVAL OF THE ORDINANCE AS PRESENTED WITH ADDITIONAL LANGUAGE AS FOLLOWS:

1. The public notice requirements for quasi-judicial hearings on special exceptions within the structure only be required to post a four (4) foot by four (4) foot sign.

**ROLL CALL:** Mr. Bourdin – Yes, Ms. Yardley – Yes; Mr. O'Donnell – Yes; Mr. Robbins – Yes. The motion passed with a 4-0 vote.

### **3) GENERAL DISCUSSION**

There being no further business to discuss, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

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Todd Angier, Chair