



City of Margate

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

Meeting Minutes City Commission Workshop

Wednesday, October 1, 2014

6:00 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Frank B. Talerico, Commissioner Joyce W. Bryan, Commissioner Tommy Ruzzano, Vice Mayor Joanne Simone and Mayor Lesa 'Le' Peerman

In Attendance:

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

A. ID 14-637 SHED SIZE AND LOCATION

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL gave a brief presentation regarding sheds. He explained that there were two components of the shed regulations. The first was the size of the shed and second was the setback requirement. The shed ordinance currently in the Zoning Code was initially adopted in 1979, when the common style was a small metal shed. The regulation adopted provided for a 10 foot by 10 foot shed, with a maximum height of 7.5 feet and a five foot setback from the rear property line only. In 1996, the Code was amended allowing a 5 foot setback in the side and the rear. It also provided that no shed would be permitted in any front or street side yard. The Code was also revised to allow a 100 square foot, or 9 foot by 11 foot shed. The amount of sheds was limited on each residential plot to one, and the height remained the same. In 2009, the Code was again revised to provide more flexibility. The square footage was increased from 100 square feet to 144 square feet. The height was increased from 7.5 feet to 8.5 feet. An exemption was added for the Aztec RV Park, which was allowed 11.5 feet. The Code was tied into the Building Code by providing that every shed must have a permit. He showed photos of common allowable sheds, as well as sheds that were not permitted. Mr. Ziskal noted that there were only three variances ever sought with regard to size, and all three were denied and would have exceeded our current Code. He stated that variances for setbacks were granted nine times. He stated that Staff's recommendation was to keep the size at 144 square feet; however, Staff felt that the 5 foot setback was excessive and recommended a reduction to 24 inches to 30 inches. He said that a mower would still fit behind it and access for maintenance would still be available for the rear and side without encroaching on the neighbor's property.

COMMISSIONER TALERICO asked whether the prefabricated sheds from Home Depot and Lowe's came with a floor or would they be required to have a slab, and Mr. Ziskal stated that a poured slab was required.

COMMISSIONER TALERICO asked what the smallest size storage unit was not considered a shed, and Mr. Ziskal clarified that the shed was permitted by the Building Department and met the Codes. He explained that plastic storage containers were not permitted.

COMMISSIONER TALERICO questioned whether water or electric was permitted, and Mr. Ziskal said that there was no exemption for that; however, inspections were required. Mr. Ziskal added that some sheds did come with the capability for that.

MAYOR PEERMAN agreed with the 24 inch setback, because she felt that the shed should be in the corner of the property rather than in the yard. She said that smaller versions of the prefabricated sheds were available and she questioned whether someone could have one small and one larger. Mr. Ziskal explained that the current Code allowed one shed and had no specification for having one large and one small. He said that the Code could be changed to allow for two sheds providing they fit on the 144 square feet.

MAYOR PEERMAN suggested having the 24 inch setback with the ability to split the 144 square feet.

COMMISSIONER RUZZANO questioned what the setback was if there were pavers on the property, and Mr. Ziskal stated that it was 18 inches.

MAYOR PEERMAN suggested changing the setback to 18 inches.

COMMISSIONER TALERICO mentioned having difficulty cutting the grass and he felt that 24 inches was a better setback.

MAYOR PEERMAN said that the pavers could go up to the property line and she agreed with either an 18 inch or 24 inch setback.

MR. ZISKAL explained that Staff came up with 24 inches because most mowers were 21 or 22 inches; therefore, 18 inches could be an encroachment on the neighbor's property.

MAYOR PEERMAN reiterated that she preferred 24 inches, and all Commissioners were in agreement.

COMMISSIONER TALERICO questioned the height restriction, and Mr. Ziskal said that it was 8.5 feet from the mean of the roof and not from the peak.

VICE MAYOR SIMONE was not in agreement with having more than one shed, because some yards were small and it would be an eyesore. She felt that a Rubbermaid container could be used that did not require a permit, but she did not agree with two sheds. She suggested purchasing a larger shed to fit everything.

COMMISSIONER TALERICO questioned whether someone could request a variance for a second shed if only one shed was permitted, and Mr. Ziskal said that would be the legal process for deviating from the Code.

A brief discussion ensued with regard to whether or not to allow two sheds.

COMMISSIONER TALERICO was not in agreement with having two sheds and felt that a larger shed could be purchased for the extra storage.

MAYOR PEERMAN spoke about the cost involved with a larger shed, versus two smaller sheds.

COMMISSIONER BRYAN felt that the homeowner should have the option; therefore, she would agree with 2 sheds up to 144 square feet.

COMMISSIONER RUZZANO mentioned purchasing two 5 foot by 5 foot sheds that did not need building permits.

MR. ZISKAL clarified that if the shed was determined to be a structure in the Building Code, it would need to be anchored down. He was not sure what the threshold was for purchasing two 5 foot by 5 foot sheds. He said that if not considered a structure and were not governed by the Building Code, a permit would not be required and there would be no review, as they would be allowed on the property.

COMMISSIONER RUZZANO said that he was in favor of allowing two sheds.

MAYOR PEERMAN suggested that the City Manager rewrite the Code to allow for a 24 inch setback with the ability to have up to two sheds within the 144 square foot regulation and bring it back before the Commission for review.

COMMISSIONER TALERICO asked whether Code Compliance regulated whether or not a permit was obtained.

MR. ZISKAL clarified that the Code Compliance Department and the Building Department would partner on that issue.

MAYOR PEERMAN spoke about grandfathering in existing sheds.

MR. ZISKAL said that depended on when the shed appeared on the property.

COMMISSIONER TALERICO asked whether the Florida Building Code took precedence.

MR. ZISKAL said that all sheds must be approved by the Florida Building Code.

B. ID 14-638

DRIVEWAY WIDTHS

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL spoke about driveways. He explained that in July 2012, an ordinance was written specifically for landscaping standards; however, it had provisions affecting the Driveway Code. In 2012, an ordinance was passed that adopted Florida Friendly Landscaping within the City. The Florida Friendly Landscaping standards were meant for drought tolerant, drought resistant species and native plants. The Florida Friendly Landscaping standards allowed a reduction in irrigation needs by allowing for rock gardens and mulching to get away with using so much water due to the water shortage. It allowed drip bubblers and other types of water reducing mechanisms so that every single-family home was not required to have irrigation. A key component to the Florida Friendly Landscaping standards was to prevent or reduce runoff to minimize the impervious surface so rain could percolate rather than be running off into the storm water. The ordinance passed in 2012, allowed for a maximum driveway width of 18 feet, which allowed parking two cars side by side, for lots with less than 45 feet of frontage. The standard parking spaces in all shopping centers was 9 feet wide. It allowed larger lots greater than 45 feet to have between 18 and 24 feet of width as long as the driveway did not exceed 40 percent of the width of the lot. It also allowed an additional connection, such as a circular or U-shaped driveway, at a width of 12 feet; therefore, each single-family lot could have a total of 36 feet of driveway width. An additional 10 foot side driveway for corner property was allowed, but the driveway setback must match the other concrete and paver setbacks at 18 inches for consistency. Minor changes to the multi-family and non-residential widths were set so two-way traffic, in and out, was set at 36 feet with 40 feet for commercial property. Any in only or out only would be set at 14 feet. Mr. Ziskal said that in 2012, the 36 feet was modified slightly; however, the impact of a gated community with a guest and resident entrance and exit was not taken into

consideration. He said that by nature of that development, three lanes were needed, which would exceed 36 feet. He asked for consideration and direction on expanding those types of developments. He showed pictures of driveways that worked, as well as driveways that did not comply. He noted that the prior ordinance passed reduced the property rights of the zero lot line communities unintentionally. He added that zero lot line communities were designed and constructed with no on street parking, which multiplied the impact of parking for guests. He stated that following comments made by residents. Staff visited some zero lot line communities and saw the problem and admitted the oversight. He said that Staff recommended at least allowing a third car by changing from 18 feet to 27 feet to allow for the third 9 foot space.

COMMISSIONER TALERICO noted that a lot of zero lot lines were not in gated communities and he asked whether they were on private streets. Mr. Ziskal said that a lot of them were on private streets; however, some were not.

COMMISSIONER TALERICO questioned if parking in the street was permitted.

MR. ZISKAL said that if it was a public street it would be the decision of the public governing body and if it was a private street the private association could restrict it. Mr. Ziskal noted that there were places where there were public streets that had a deed restriction. He mentioned Paradise Gardens, which were City streets; however, there was a Homeowner's Association (HOA) directive and a restriction on the plat indicating that they could not park on the street. He noted that some streets had restricted hours of parking or had no parking on one side, the other or both.

COMMISSIONER RUZZANO questioned whether gravel driveways were permissible in the City, and Mr. Ziskal said they were not.

MR. ZISKAL explained that some decorative landscaping was what the City wanted, rather than just gravel or concrete. He clarified that Staff felt a third car would be acceptable; however, there needed to be some restrictions. He reiterated that the 27 feet would allow the third car.

JOHN HALL, 6421 French Angel Terrace, Coral Bay, noted that a normal driveway at Coral Bay would be 18 feet. He said that when a homeowner came for approval, it was given contingent upon constructing with the City of Margate permit. He explained that when the Code was changed in 2012, 26 feet was what most of the three car driveways were, because the distance from the edge of the original driveway to the edge of the sidewalk was 8 feet. He said that if the house was on the side of the street with the sidewalk the swale area belonged to the Community Development District (CDD); therefore, they would need CDD approval contingent upon obtaining a City of Margate permit. He was in agreement with a maximum of 26 feet, because 27 feet would extend over. He clarified that two of the zero lot line communities were in the CDD, which were Coral Bay and Cypress Cove. He stated that overnight parking was not allowed in the street because they were so narrow it would impede an emergency vehicle coming through. He said that infractions the first time would provide for a ticket; however, the second time the vehicle would be towed. He added that Carolina had some zero lot line gated communities, as well as Paradise Gardens and a few others.

MAYOR PEERMAN clarified that if the Code was changed to 27 feet.

MR. HALL could still work with 26 feet, and he agreed that 27 feet would satisfy all of Coral Bay. He explained that a house with the swale and sidewalk required CDD approval, but to add to the front where the grass was would require HOA approval. He noted that both the HOA and the CDD had been approving them contingent upon the City of Margate permit.

COMMISSIONER RUZZANO questioned whether multiple surfaces were allowed.

MR. HALL said that Coral Bay only approved concrete driveways.

MR. ZISKAL stated that the City did not allow gravel, but there was nothing in the Code stating that the material be uniform.

COMMISSIONER TALERICO mentioned a photo of a home in Coral Bay with a short driveway.

MR. HALL said that there were multiple homes in eight villages of Coral Bay, each with a HOA, and each village had one or two homes that were permitted by the City of Margate to the builder. He noted that they were not illegal, but what the Builder built and the City approved. He noted that it created a huge parking problem. He said that when the Code was changed in 2012, the one tool that helped with the parking issue was taken away as they forgot the zero lot line communities. He stated that there were still driveways where you could not park a Toyota Corolla because they extended over the sidewalk or into the street.

MR. ZISKAL stated that all of the parking requirements for residential neighborhoods were minimal and for single-family detached homes the garage spaces counted, which met the Code at the time.

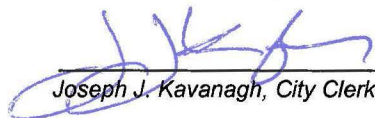
MAYOR PEERMAN asked the City Manager to bring back a Code amendment for 27 feet for the zero lot line.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk


Date