

**Excerpt from draft minutes from the Planning & Zoning Board meeting held on July 5, 2018**

**2) NEW BUSINESS**

*ID 2018-318*

**A) CONSIDERATION OF AN ORDINANCE TO INCREASE RESIDENTIAL PARKING REQUIREMENTS**

Andrew Pinney gave a Power Point Presentation explaining the substance of the ordinance. He stated that this ordinance is to increase residential parking with another ordinance for a surgical approach to the TOC, mentioning that both ordinance correlate to one another. He said that the intent of the residential parking ordinance is straight forward and the timing of two coincide, running on a parallel track. He said that the TOC surgery came out of a series of workshops and presentations to the City Commission to address objectionable issues that they had with the TOC. He said that the Commission gave direction to revoke and remove the TOC, explaining that this will be a long process to amend the Comprehensive Plan. He stated that this ordinance revises Article 33, Off-Street Parking, and the correlation will be the TOC surgery instead of having its own article (Article 9) will now reference Article 33. Mr. Pinney gave a history of the parking ordinance, which started at a March City Commission, with a motion to declare zoning-in-progress to increase the parking requirement, explaining that as it exists now those parcels outside of the TOC requires two (2) spaces plus guest parking. The proposal will increase it to a minimum of two (2) up to the first bedroom plus one for every room after that and to change the way guest parking was calculated. Mr. Pinney continued his Power Point Presentation giving a history along with the proposed change to the ordinance to include the impacts.

Robert Massarelli continued the presentation stating that one of the roles of the Planner is to talk to the Board about the impacts which may occur with an ordinance, those impacts can be both positive and negative. He then continued with the Power Point Presentation stating the impacts of this ordinance on the community. Mr. Massarelli stated the staff recommendations for the Board to consider to include: Existing parking requirements found to be below average; Increase minimum parking requirements, but not as high as provided in draft ordinance; and consider exemption for properties built prior to ordinance effective date.

Mr. Arserio asked how many acres of land does the City have available for new residential home development. Mr. Pinney answered that the City has approximately 400 TOC units.

Mr. Angier clarified that the question stated may be in regards to the potential development at the golf course and asked if there was any more room in the City for single family home development. Mr. Pinney responded that the TOC does allow single family homes.

Mr. Arserio asked if there was a way to make an exception to the ordinance in the event of a home being destroyed by mother nature, which the owner would not be subject to this new ordinance. Mr. Pinney answered that a deviation from the code would require the homeowner to go to the Board of Adjustment with the City Commission being the appellant to the Board of Adjustment. Mr. Arserio asked if they could word the ordinance to exempt destruction of a home (for instance) during a hurricane. Mr. Pinney referred to the City of North Lauderdale's parking requirement which exempts any houses built prior to their ordinance effective date of 1999. Stating that there could be similar language added to our ordinance. Discussion ensued.

Mr. Arserio questioned whether a one (1) car garage would count as a parking space. Mr. Pinney answered yes it can be counted if it meets the minimum dimensions.

Mr. Zucchini questioned why a two (2) garage should not be counted as two (2) parking spaces, saying that this is a disincentive that should not be there. He went on to mention that a garage is the best place to install water heaters. He then asked if a driveway could be gravel. Mr. Pinney responded "no" that the way the Code is written now it is required to be a paved surface, listing out asphalt, concrete or block. Discussion ensued.

Mr. Mangeney wanted to clarify when a home is destroyed vs. pulling a permit for a driveway switching from asphalt to pavers, would the homeowner have to comply with the new requirement, even if they are an older home? Mr. Pinney responded "no", this would only apply if the modification would affect the amount of required spaces, for example adding an extra bedroom. Mr. Mangeney then asked if this would affect plans for development that was previously approved but has not yet begun construction. Mr. Pinney responded that if the approval was prior to the effective date of this ordinance, that Developer would build off the approved plan.

Mr. Angier stated that the demographics in Margate are changing. The City now has more young families replacing the 55 and older community. He said that it is standard for a married couple to have two cars, and if they have children they have more cars. Mr. Angier said that the City has to plan for the future, which says we will need more parking spaces. He stated that the Board of Adjustment is in place to address variances, but the demographics of the City are changing and we need to look at development for the future which will require more parking.

#### Public Comment:

Steve Wherry, Greenspoon Marder, stated that he is not here this evening representing a particular client, however he does represent a number of developer clients who have expressed

some concern and wanted to provide additional information to the Board. Mr. Wherry did reach out to his developer client Lennar Homes, who is the largest home builder in the United States, with a reputation for building high quality products ranging from single family homes, multi-family, and commercial properties. He provided the Board a handout of a hypothetical development drawn by Lennar. Mr. Wherry went on to discuss the information in the handout along with his position on the ordinance.

Mr. Angier interrupted Mr. Wherry asking staff for clarification on single-family and the new parking requirements when 75% of the existing structure is remodeled or rebuilt for the new parking requirement to take effect. Mr. Pinney responded that there are two instances, if the home is damaged and the cost to repair is more than 75% of the assessed value of the structure and if there is an existing home where the owner wants to build an extra bedroom, then yes the new parking requirement would take effect. Discussion ensued.

Mr. Wherry concluded stating that parking is a difficult issue throughout South Florida, and contrary to the belief that there will be more cars in our future, there is a belief that there will be fewer cars with a greater reliance on other modes of transportation.

Charlie Artner, 6631 NW 22<sup>nd</sup> Court, stated that he does not believe Margate should be compared to other Cities, saying that there are circumstances that are unique to Margate that may not be the same for other cities. He also mentioned the traffic in the City of Margate.

Scott Bushy, 1836 NW 66<sup>th</sup> Terrace, thanked staff for giving his family the attention needed when looking to them for assistance with the bedroom addition he is considering at his home.

Manny Lugo, 1129 East River Drive, stated that developers want fewer parking so that they can make more money without concern for other consequences.

Mr. Arserio made the following motion to approve the ordinance with the modifications listed below:

1. The number of vehicles accommodated within a garage will be counted as that many parking spaces.
2. Space in garage should enable allowance for overhead structure/storage, so long as it does not conflict with the building code.
3. Grandfathering for anything built prior to ordinance being adopted. To include and cover when disaster destroys those properties to enable them being rebuilt without compliance.
4. Single Family and duplexes to permit impervious and temporary parking definitions.

The motion was seconded Mr. Zucchini:

**MOTION:** SO MOVE TO APPROVE

**ROLL CALL:** Mr. Mangeney, No; Mr. Zucchini, Yes; Mr. Arserio, Yes; Mr. Angier, Yes. The motion passed with a 3-1 vote.

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B) CONSIDERATION OF AN ORDINANCE TO INCREASE RESIDENTIAL PARKING

Andrew Pinney gave a Power Point Presentation on the proposed ordinance. He summarized a brief history of the TOC, stated the proposed changes and discussed the impacts of the ordinance. Mr. Pinney stated the staff recommendation is to consider the maximum setback and to approve.

Mr. Mangeney asked staff what they recommend as a maximum setback? Mr. Pinney answered four (4) rows of parking.

Mr. Zucchini stated that he is in favor of a large setback, stating that it is inviting. He feels that for both retail and commercial a larger setback is desirable.

Mr. Angier discussed the residential portion making it optional at the discretion of the City Commission. He mentioned the problems with the existing buildings being up close to the street, knowing the original concept was for the parking to be in the back therefore creating less traffic on the main road. He stated that he does not like the work "encourage". Mr. Angier agrees with everything else that he has read on the ordinance and is in agreeance with four (4) rows of parking as a maximum setback.

Mr. Zucchini thanked the Commission for this initiative to get rid of the TOC. He stated that Margate is not urbanized and that the City needs our automobiles to survive. He then mentioned height restrictions, in which Mr. Pinney elaborated on for additional discussion. Discussion ensued.

Mr. Zucchini was happy with the idea that the Commission have an Architectural Review Board and that the Commission have the final say on all development other than single family homes. He then addressed elevators, and believes that this is the one thing that is missing in this code.

Mr. Arserio asked if the City is able to make the requirement for elevators more restrictive by law? Mr. Pinney was unsure if the City was pre-empted on not, being unfamiliar with the building code. Ms. Klahr stated that the City could do something more restrictive, but you could not do anything less. Discussion ensued. Mr. Massarelli stated that this issue is beyond the agenda item, the item is amending the TOC ordinance and to not bring in new issues.

Public Comment:

Manny Lugo, 1129 East River Drive, agrees with Mr. Zucchini stating that many things are happening in the City. Stating that the TOC is based on the current Comprehensive Plan and looking in the future there will soon be a new Comprehensive Plan in the City that will be addressing all of these issues.

Mr. Massarelli clarified that under the State and Case Law, the Comprehensive Plan is the controlling document, where all development has to be consistent with the Comprehensive Plan. He stated that until the City amends the Comprehensive Plan, the Zoning Ordinance has to be consistent with the current plan.

Steve Wherry, Greenspoon Marder, stated that he is in support of the ideas of this ordinance.

Mr. Arserio made the following motion to approve the ordinance with the modification listed below:

1. Recommend approval with four (4) parking rows as maximum setback.

The motion was seconded Mr. Angier:

**MOTION:** SO MOVE TO APPROVE

**ROLL CALL:** Mr. Mangeney, No; Mr. Zucchini, No; Mr. Arserio, Yes; Mr. Angier, Yes. The motion failed with a 2-2 vote.

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