



City Commission

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Vice Mayor Arlene R. Schwartz
Anthony N. Caggiano
Antonio V. Arserio
Joanne Simone

City Manager

Cale Curtis

City Attorney

Janette M. Smith, Esq.

City Clerk

Joseph J. Kavanagh

REGULAR MEETING OF THE PLANNING AND ZONING BOARD MINUTES

Tuesday, December 3, 2019

7:00 PM

City of Margate
Municipal Building

PRESENT:

Richard Zucchini, Chair
Rob Reiner
Juli Van Der Meulen
Todd Angier
Donald Fritz

ALSO PRESENT:

Janette M. Smith, Esq.
Robert Massarelli, AICP, Director Development Services
Andrew Pinney, Senior Planner

The regular meeting of the Planning and Zoning Board of the City of Margate, having been properly noticed, was called to order by Chair Richard Zucchini at 7:03 p.m. on Tuesday, December 3, 2019. A roll call of the Board members was done followed by the Pledge of Allegiance.

Chair Zucchini asked for consensus from the board to move item 1C to be heard prior to item 1B. Consensus was reached by the board to move the item.

1) NEW BUSINESS

ID 2019-595

1A) APPROVAL OF 2020 MEETING CALENDAR

Mr. Angier made the following motion, seconded by Ms. Van Der Meulen:

MOTION: APPROVED AS WRITTEN

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

Development Services Department

901 NW 66th Avenue, Margate, FL 33063 • Phone: (954) 979-6213

www.margatefl.com • dsd@margatefl.com

ID 2019-609

- 1C) AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, APPENDIX A ZONING, ARTICLE III – GENERAL PROVISIONS, SECTION 3.10 – ABANDONED VEHICLES; PROVIDING FOR DEFINITIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Robert Massarelli, Director of Development Services, gave a presentation giving a history of the code and State requirements. He concluded by stating the recommendation is to strike the language of a vehicle without a valid registration if one is required by law, which will eliminate the state requirement and to follow the zoning requirements in regards to abandoned vehicles.

Mr. Zucchini stated that when looking at the definition of “abandoned” it does not mean that it is a car without a registration, he then asked for inoperative to be defined within the city code. He commented that a homeowner should have the right to have an unregistered vehicle on their property; however, it should be limited to one vehicle. Mr. Fritz asked to define what vehicle refers to. Ms. Janette Smith, City Attorney read the definition of abandoned personal property under Section 40.16. Mr. Zucchini clarified that the definition is for abandoned personal property, and that the current discussion is in regards to vehicles, which means modes of transportation such as a truck, trailer, or a motorcycle. Ms. Smith read the definition of inoperable vehicle under Section 2.2. Discussion ensued.

Ms. Smith stated that the reason that this ordinance is coming in front of the Board this evening is because it is at the direction of the City Commission.

Mr. Angier agrees that there should be a recommendation to the Commission for a homeowner to be able to have either an inoperable vehicle or one without a tag parked in their own driveway.

Mr. Zucchini asked for consensus on hearing from the public prior to a motion. No objection was received from the Board.

Assia Zoubiri, 7856 NW 1st Street, Margate, commented that this code should not be altered. She stated that any unregistered vehicle should be stored inside a resident’s garage.

Bruce Van Der Meulen, 2913 NW 68th Lane, Margate, stated that he agrees with the Board and homeowners should be able to store an unregistered vehicle on their own property.

Julie Jones, 7871 NW 1st Street, Margate, agrees with the Board in stating that an owner should be able to store an unregistered vehicle on their own property.

Mr. Zucchini asked if Police Officers have the right to go on personal property to check if a vehicle is registered? Joseph Galaska, Police Captain responded that the City’s Code Officers have rules to follow and homeowners have an expectation of privacy. Officers are not allowed to look under car covers or peer over a six-foot privacy fence, same rules apply with drones.

Mr. Angier made the following motion, seconded by Mr. Fritz:

MOTION: TO ACCEPT STAFF'S ORDINANCE WITH THE ALLOWANCE OF ONE (1) UNREGISTERED VEHICLE ON PRIVATE RESIDENTIAL PROPERTY

ROLL CALL: Mr. Fritz, Yes; Mr. Angier, Yes; Ms. Van Der Meulen, Yes; Mr. Reiner, Yes; Mr. Zucchini, Yes. The motion passed with a 5-0 vote.

ID 2019-611

1B) REVISIONS TO SECTION 3.23 – WIRELESS COMMUNICATION FACILITIES

Mr. Robert Massarelli, Director of Development Services, gave a PowerPoint Presentation on 5G Technology. He explained the intent was to bring the City's code into compliance with state law regarding communication facilities. He referenced the ordinance of the City of Coconut Creek, stating that it has been well vetted and is a good model to start with. Mr. Massarelli stated that his staff along with the Department of Environmental and Engineering Services, and the Building Department will be working together on this in regards to the permitting process. City Attorney, Janette Smith mentioned that this is regulated by the FCC, and has both Federal guidelines and laws that the City will need to abide by, stressing the complexity of this ordinance. Mr. Massarelli continued with his presentation by highlighting the process and explaining the terminology. He explained what the city cannot do, reasons the city can deny a small wireless facility, exempt facilities, registration process, abandonment of a communications facility within city rights-of-way, force majeure, reservation of rights, and appeals. Mr. Angier asked to strike "Act of God" and replace with "natural events" under 3.23.6 force majeure. He concluded with stating that staff's intent is to bring back an ordinance to present in front of the Board at a future meeting.

3) **DIRECTOR'S REPORT**

Mr. Massarelli gave an update on the progress of the Comprehensive Plan, Vehicular Sign Regulations, and Off-Street Parking. Mr. Zucchini asked about writing a nuisance code. Mr. Massarelli responded by directing the Chair to make this recommendation to the City Commission. Mr. Massarelli gave an update on the new ProjectDox software, which will be rolling out in the near future. He concluded by thanking the board for their guidance and wishing them Happy Holidays.

4) **GENERAL DISCUSSION**

Mr. Angier, asked in regards to the developer who requested information on the lift station for the Marquesa Project? Mr. Andrew Pinney responded that the information has been given to the developer. Mr. Angier concluded by wishing everyone a great Christmas and great holidays.

Mr. Zucchini, asked a question of the City Attorney in regards to being more restrictive than State law and how it applies to mandating elevators for multi-story commercial. Ms. Janette Smith stated that this falls under the Florida Building Code. Mr. Zucchini then asked about a change in application date for the Marquesa project. Ms. Smith responded that Marquesa is operating under the original application date. Mr. Zucchini then asked Mr. Massarelli if FPL had to file a permit for

installation of new poles. Mr. Massarelli responded that FPL does not have to file a permit with the City, and he does not know about building permits, but will check with the Building Official. Mr. Zucchini concluded by wishing everyone Happy Holidays.

Ms. Janette Smith, said that she has enjoyed working with everyone throughout 2019 and is looking forward to 2020. She wished everyone Happy Holidays and a wonderful New Year.

Meeting adjourned at 9:18 p.m.

Respectfully submitted,

Prepared by Melissa M. Miller

Richard Zucchini, Chair