



MINUTES
WORKSHOP CITY COUNCIL MEETING
NOVEMBER 26, 2001 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held November 26, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

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| Mayor Richard A. Brown | Building Official Dan Arlington |
| Vice Mayor Robert D. Shimp | Deputy City Clerk Karla Strait |
| Councilor James Gilbert | Assistant to the City Manager Terry Klein |
| Councilor Ronald Patronik | Assistant to the Bldg Official Piper Turner |
| Councilor Harriett Pruette | |
| City Manager Richard A. Linn | Absent: |
| City Clerk Lisa Volpe, CMC | City Attorney Christopher A. White |

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m. City Manager Linn asked Building Official Dan Arlington to conduct his presentation.

Building Official Dan Arlington began his presentation by stating he submitted to council a clean copy (without strike throughs and underlines) of Group I with the corrections from the last workshop. He intended to go over the corrections and also the definitions.

Councilor Pruette asked Mr. Arlington to explain how Section 27.02 Replatting Requirements came about and who asked for any changes. Building Official Arlington pointed out there was a lot of new language put in by the consultants and approved by the Planning & Development Review Board.

Councilor Gilbert asked what the agenda for the workshop was and why the council was reviewing the same group. Building Official Arlington stated he meant to point out the changes made and explain the definitions.

Vice Mayor Shimp stated if the code said there was an application to replat then the city should provide one. He asked the Building Official to explain Section 27-109(a)(3). Building Official Arlington explained if there were a choice between plotting a street below average grade or making a lot smaller, the developer would have to make the lot smaller. He clarified this would only be for new development not for existing homes. Vice Mayor Shimp asked if the City could only make state codes more strict. Building Official Arlington stated that was true.

Councilor Pruette asked why we were reviewing something that was supposed to have been final at the last meeting and stated she had found many discrepancies. Vice Mayor

Shimp agreed if there were discrepancies we should look at them. Councilor Patronik asked about a change not made in Sec. 27-102. Building Official Arlington clarified it needed to wait until they reviewed the Footprint Bill. Councilor Pruette asked why PUD had not been taken out. She also asked why the Planning & Development Review Board had a secretary and why the mail section of variances was 15 days in some and three weeks in another. City Clerk Volpe clarified that the consensus was PUD would be looked at when the council came to that section later in the code. She also stated the secretary was from years ago when someone on the board typed the minutes, and all dates for mailing should be 15 days.

There was further discussion on any discrepancies in the code; what the council should be speaking about at this workshop; and how many times these sections needed to be reviewed.

Building Official Dan Arlington began his presentation. He stated he would be adding a notation such as:

Sec. 27-25 Nonconforming Structures - Notwithstanding the preceding Sections, certain guidelines for non conforming structures are contained in Article XVIII.

This verbiage will be added to refer people to the Footprint Bill.

Building Official Dan Arlington stated he did not add the following note to Sec. 27-24 from the last workshop:

IF SOMEONE STAYED WITHIN THE FOOTPRINT AND THE TOTAL SQUARE FOOTAGE, THE BUILDING OFFICIAL CAN ALLOW THEM TO TOTALLY TEAR DOWN THE HOUSE.

It is the exact opposite of some sections of Article XVIII Nonconforming Structures. The council should put this wording in that section and do all the changes at one time as to make the footprint more clear of their intentions.

In Sec. 27-38 he made the following changes:

1. adding 'subject to confirmation by City Council' to sections h and I for PDRB subcommittees.
2. strike all references to historic preservation or architecture boards
3. added preliminary and final to areas to make more clear which board would do what

Mr. Arlington stated the city clerk and building official wrote a memo to the boards requesting them not to advise citizens based on any new code that has not been passed. He explained why this was written to the boards and hoped it would help in the future.

Mr. Arlington stated the consensus for 27-78 had been the following:

ADD THE ABILITY TO GET AN EXTENSION OF THE SIX (6) MONTHS TO 27-78. ADD "CONTINUOUS" IN THE DEFINITIONS SECTION

He did not follow the exact verbiage of the consensus. He used the information from the new Florida Building Code, which does not allow extensions. He did put an extension in by adding Sec. 27-78 (b) (c) (d) and (e). This covers if work has been started and stopped or if it has not been started. It also adds fees for these extensions. Council discussed if commenced needed to be defined.

Consensus: **TO ACCEPT THE CHANGES MADE IN SECTION 27-78.**

Mr. Arlington reminded council that the Planned Unit Development (PUD) decision was delayed until that part of the code. It was discussed briefly.

The following consensus from the last meeting were added:

Sec. 27-80(1) **TO ADD "INTENSIFICATION OF USE" TO THE DEFINITIONS.**

Sec. 27-82 (b) **TO LEAVE IN THE CONCEPTUAL REVIEW AS AN OPTION** and change any necessary wording.

Sec. 27-101(b)(5) **TO STRIKE SECTION 27-101(b)(5)**

Sec. 27-102(a) **TO CHANGE THE WORD "DUPLICATE" TO "TEN COPIES".**

27-116(b)(1) **TO ADD THE WORD "FINAL".**

27-133(a) **TO ADD "COMMERCIAL".**

27-144 TO MAKE ALL CHANGES LISTED TO SECTION 27-144

1. The specified time of notice in both paragraphs (a) and (c) should be 15 days.
2. To ensure proper delivery of notices, staff should mail them at the applicant's expense.
3. Mailing by certified mail is a change from regular mail in existing code.
4. Notifying property owners within 150 feet vs. abutting lots and lots directly across the street is an increased requirement. Required notification can go from six to twenty properties.
5. The current cost of certified mail is \$4.00.
6. In cases when the Board does not meet or the application is not considered, the notices already advertised, mailed, and posted should be adequate for the following meeting.

Building Official Arlington then proceeded to explain the definitions section. He stated that all the definitions would be moved to Sec. 27-15.

Councilor Patronik asked about the definition of Building Elevation. It was noted that "ground or" needed to be struck not "the ground". He also questioned the definition of Clinic. Council discussed Clinic.

Consensus: **TO ADD A COMMA AFTER OPTOMETRISTS AND ADD LICENSED MESSAGE THERAPIST AFTER DENTIST AND MEDICAL BEFORE PROFESSION IN THE DEFINITION OF CLINIC.**

Mr. Arlington discussed Dwelling Unit. He changed the word "cooking" to "storage or preparation of food" and changed "Standard Building Code" to "Florida Building Code". There was much discussion on the best definition including leaving the word "cooking"; using other cities' definition; and using the word "isolated".

Consensus: **TO DO MORE RESEARCH AND COME BACK TO THE DEFINITION OF DWELLING UNIT.**

Councilor Patronik asked about the definition of density including the "gross area". There was much discussion of this. Including that the Florida Department of Community Affairs uses "gross" and the city's Comp Plan uses "gross." Councilor Pruette asked if it needed to be subdivided between residential and commercial. Mr. Arlington said it was not necessary.

Mr. Arlington explained his definition of Family limited the number of non related persons to two in any household. It was his goal to limit boarding houses and fraternity houses from being built. Discussion ensued.

Consensus: **TO LEAVE THE FAMILY DEFINITION AS MR. ARLINGTON HAD PROPOSED.**

Garage was discussed. Mr. Arlington pointed out that it included "description of second story habitable space".

Consensus: **TO DISCUSS GARAGE AT A LATER DATE.**

Mr. Arlington showed that double frontage and oceanfront lot was under "Lot". Discussion of what was a front yard and what was a back yard and what oceanfront lots should be ensued.

Consensus: **TO COME BACK TO DOUBLE FRONTAGE LOTS AT A LATER DATE.**

Councilor Pruette asked about Impervious surface. Mr. Arlington asked if swimming pools could be excluded as an impervious surface.

Consensus: **TO EXCLUDE SWIMMING POOLS AS AN IMPERVIOUS SURFACE.**

Mr. Arlington read the definition of Intensification of Use. He stated that in the definition of kitchen where is said the "and/or of cooking", the "or" should be removed to be consistent with Dwelling Unit.

Consensus: **TO COME BACK TO THE DEFINITION KITCHEN WITH DWELLING UNIT.**

Mr. Arlington read the definition of Planned Unit Development (PUD) and emphasized it still had to meet with density and zoning requirements. City Manager Linn asked stormwater to be added to this definition. PUD's were discussed.

Mr. Arlington explained that Premises and the definitions of Restaurant all related in regards to parking. Councilor Pruette brought up outdoor dining. Mr. Arlington stated outdoor dining comes later in the code but he would define it. He stated it was previously discussed as a special exception with a time limit. Outdoor dining was discussed by council. The Building Official reviewed to different definitions for carryout, fast food and interior service restaurant. He felt it was important to differentiate.

Consensus: **TO USE THE NEW DEFINITIONS FOR RESTAURANTS.**

Mr. Arlington read his definition of seat and asked that floor space be considered as a seat to determine parking. Council discussed the definition including using fire marshal occupancy and combining seats and floor space. Parking was discussed in the Town Center area including parking for Atlantic Beach establishments and a letter from Atlantic Beach about this issue.

Vice Mayor Shimp asked that parking be placed on the next workshop.

Consensus: **TO DO MORE RESEARCH ON THE DEFINITION OF SEAT.**

Mr. Arlington stated he put all the types of streets together under street. He read the definition of Townhouse. The council discussed townhouse.

Consensus: **TO CHANGE "FRONT AND REAR ACCESS" TO "TWO ACCESS"**

AND REPLACE "FIRE WALL" WITH "COMMON WALL"

Mr. Arlington pointed out that Alteration, major and minor are for historic structures only therefore he added that to the definitions. He also deleted some definitions that were defined differently twice in the code. He changed recreation vehicle to delete "400 square meet or less when measure at the largest horizontal projection".

Consensus: **TO DELETE "400 SQUARE MEET OR LESS WHEN MEASURE AT THE LARGEST HORIZONTAL PROJECTION"**.

The City Manager suggested typing out all of the definitions. The Council noted the next LDR meeting would be after the holiday season to review Article IV. The Christmas Luncheon will be held on December 14, 2001. Council asked Mr. Arlington to send Article IV out as soon as possible.

Consensus: **GROUP I WOULD NOT BE DISCUSSED AGAIN. IF THE COUNCIL FOUND ANY DISCREPENCES THEY ARE TO SEND A MEMO TO THE BUILDING OFFICIAL AND HE COULD BRING THEM UP AT THE END.**

Adjournment

There being no further business, the meeting adjourned at 8:37 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____