



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
JULY 12, 2004 AT 6:30 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Workshop Meeting of the City Council of the City of Neptune Beach was held July 12, 2004, at 6:30 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon

STAFF:
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC
Dir. of Community Dev. Jason Cleghorn
Ass't to the Bldg Official Piper Turner

ABSENT:

City Attorney Christopher White

Call to Order/Roll Call

The Mayor called the meeting to order at 6:55 p.m.

Land Development

City Manager Jarboe introduced Community Development Director Jason Cleghorn and explained he was going to give a presentation of some helpful information about development. Mr. Cleghorn gave a slide presentation about development. The presentation was from Louisiana State University.

LAND DEVELOPMENT REGULATIONS GROUP 3: Mr. Cleghorn started on Article IX Tree Protection and Landscaping.

Councilor Weldon commented that the tree protection article covered all the key points.

Councilor Shealy asked how dead trees were handled. Mr. Jarboe said they could be taken down with a permit.

Mayor Brown questioned the process of tree removal for a pool installation. Mr. Jarboe stated it was taken care of during the pool permit process.

Community Development Director Cleghorn explained that the current code allowed trees within 20 feet of development to be taken down. With the way lots are in Neptune Beach most trees fit this requirement. The new ordinance is not as liberal allowing for more conservation of trees.

Vice Mayor Gilbert inquired if the city is liable if a tree removal is not granted and it damages a house during a storm. Mr. Cleghorn answered there is more of a standard for removal and the city can ask for some replanting.

Councilor Pruette asked if her Christmas tree in back of city hall is protected. Mr. Cleghorn stated protection of trees start with a 6 inch trunk.

Mr. Jarboe requested Mr. Cleghorn to go section by section and answer any questions the Council may have. Mr. Cleghorn proceeded to review the article.

Councilor Pruette asked if there was a charge for a tree permit. Mr. Cleghorn answered no.

Councilor Weldon pointed out a typo in Section 27-448 (5). Planning and Development Review Board needed to be capitalized.

Assistant to the Building Official Piper Turner observed that in Section 27-452 it asked for a removed tree to be measured 4 feet up when usually only a stump remains. Council determined the language needed to be cleaned up.

Mayor Brown questioned which sections of Neptune Beach will be most affected by this ordinance. Mr. Cleghorn felt west of Third Street, since there are more trees. Councilor Weldon specifically sited Steve Jarrett's developments on the intra coastal and how he accommodated the Planning and Development Review Board by not cutting too many trees.

Vice Mayor Gilbert reported some of the trees saved on Emma Lane, a Jarrett Development, are too close to the road and the trees are dying. This may cause a burden on the homeowners having to deal with dead tree removal. There has to be some protection for the homeowner in a new development. Vice Mayor Gilbert remarked that preservation is the key but all aspects need to be looked at. Councilor Weldon stated these concerns were addressed in preservation. There is a time period where trees have to be replaced if they die. City Manager Jarboe added if the street is deeded over to the city, there will be a survey to determine whom the tree belongs to and who is responsible for its upkeep.

Councilor Weldon explained to Councilor Pruette that only the vehicular use areas of parking garages are exempt. The vehicles do have to be screened from adjacent properties.

Councilor Weldon commented that Landscape Requirements is a difficult section to understand.

Councilor Pruette asked if shopping centers were responsible for letting trees die. Mr. Cleghorn informed council that there are provisions for upkeep and replacement in Section 27-459.

Mayor Brown asked about the conflict between having 20% area of landscaping and the parking requirements on a commercial property. Mr. Cleghorn stated there is provision when the property would just not accommodate it.

Chairman of the Board of Appeals Sybil Ansbacher requested the tree tables be moved to an appendix for easier updating. City Clerk Volpe commented it was not really necessary.

Consensus: **THEY AGREED NOT TO CHANGE ANYTHING IN ARTICLE IX.**

ARTICLE X STREETS SIDEWALKS AND RIGHTS-OF-WAY – Community Development Director Jason Cleghorn stated the new sidewalk dining ordinance was already included. He continued stating this article was reviewed by Director of Public Services Leon Smith since this is more within the public works field. Director Smith reviewed it. Most of the information comes from the Florida Department of Transportation Handbook.

Councilor Pruette questioned Section 27-478(d) Vacations of rights of way since the city has had past concerns. She asked that "shall be approved" be changed to "may be approved". City Manager Jarboe stated right of way changes should be done by permit. Some discussion ensued.

Consensus: **THAT "SHALL BE APPROVED" BE CHANGED TO "MAY BE APPROVED" IN SECTION 27-478(D)**

Mr. Cleghorn explained that Section 27-478 (c) outlines procedure for pavers being replaced in city right of way. City Manager Jarboe explained this was causing a lot of expense to the city when rights of way were damaged from utility work. The Council discussed this.

City Manager Jarboe added, in Section 27- 480 Driveway aprons and pavement material, it does encourage people to use pavers for drainage. Council discussed pervious and impervious areas in driveways.

Consensus **IN SECTION 27-480(B) TO DELETE "SUCH AS COQUINA, CRUSHED SHELL OR PEA GRAVEL, ALSO MAY BE USED." AND ADD "OR STABILIZED POROUS MATERIALS" AND ADD "AS APPROVED BY THE CITY MANAGER MAY ALSO BE USED." TO DELETE SECTION 27-480 (C).**

Recess/Reconvene

Mayor Brown called a recess at 8:05 p.m. and reconvened the meeting at 8:20 p.m.

Development Director Cleghorn continued with a discussion of the unfinished issues in Group II of the Land Development Code.

PODS

Ms. Cleghorn had added PODS into Section 27-324. City Manager Jarboe clarified the problem with pods was some people used them for months. Mr. Jarboe felt they should be in a yard no longer than 6 weeks. Councilor Pruette asked if the code language was specific to the length of time. Community Development Director Cleghorn stated Section 27-324 needed to be clarified more. City Manager Jarboe informed the council that new language will be added.

FENCES

Councilor Weldon asked council to look at the impact of allowing stockade fences along Third Street. The Code allows 8 feet walls in the backyard. He felt this should not be encouraged. Councilor Shealy commented that the city should leave leeway for people who want privacy in their backyard. Councilor Pruette emphasized the code should be consistent, fair and enforced. Mayor Brown felt there was a problem with inconsistency. He found it puzzling to require someone to buy a more expensive fence.

Councilor Pruette suggested including language from the Jacksonville Beach code that allowed the city to declare fences in disrepair nuisances.

Vice Mayor Gilbert felt 8 feet fences in backyards are excessive. He argues that 6 feet is a good size and the code should be more concerned with height than with what type of fence. To restrict type (solid or not) is undue burden costwise. City Manager Jarboe commented that 8 feet is used as a buffer to commercial areas. He asked if 8 feet could be stipulated for commercial buffer areas.

Councilor Pruette questioned the definition of 75% solid.

Councilor Weldon felt that new developments were better without stockade fences. Some incentive should be added to have 75% solid fencing. He would accept 6 feet fences but felt the code should be enforced on corner lots where only a 4 ft fence is allowed on an exterior side.

Community Development Director Cleghorn informed council that the city is starting to enforce permitted fencing. City Manager Jarboe suggested code enforcement be addressed in a council meeting to decide if the city wants to be proactive or reactive. Discussion of code enforcement ensued.

Consensus: **TO ALLOW 6 FT FENCES IN BACKYARDS AND 8 FT ONLY IF BACKING UP TO COMMERCIAL AREA WITH APPROVAL OF THE CITY MANAGER. TO DELETE THE 75% RULE BUT ENCOURAGE IT. TO ADD NUMBER 10 WITH THE JACKSONVILLE BEACH LANGUAGE "FENCES TO BE MAINTAINED AND REPAIRED. ALL FENCES SHALL BE MAINTAINED IN A GOOD STATE OF REPAIR AND STRUCTURALLY SOUND CONDITION, INCLUDING BUT NOT LIMITED TO, PAINTING AND REPAINTING; REPLACEMENT OF MISSING, DECAYED, CORRODED, OR DAMAGED COMPONENT PARTS, AND KEEPING IN PLUMBING. FAILURE TO SO MAINTAIN AND REPAIR SAID FENCE MAY RESULT IN THE FENCE BEING DECLARED A NUISANCE AND ABATED IN ACCORDANCE WITH THE PROVISIONS OF NEPTUNE BEACH CHAPTER 28." TO CHANGE 27-330 (4) FROM AUTOMOBILES TO MOTORIZED VEHICLES.**

Councilor Pruette asked about allowing for higher hedges if well manicured. There was some discussion.

AWNINGS

Mr. Cleghorn stated the code already had a definition of awnings. He added verbiage to Section 27-235 to require wind loads.

Councilor Weldon asked to change automobile to motor vehicles. Some discussion ensued.

Consensus: **MAKE EVERYTHING AFTER "ALL CARPORTS..." NO. 4 AND RENUMBER. DELETE "FOR AUTOMOBILES."**

City Clerk Volpe outlined the next step for the Land Development Code. Once the final changes are made a complete copy of all three groups will be sent to council. First read will be at the August regular meeting. Once the legal review is complete any changes necessary will be made and second read should be in September.

The council asked for a complete copy of the definitions.

Adjournment

There being no further business, the meeting adjourned at 9:10 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____