



MINUTES
WORKSHOP CITY COUNCIL MEETING
LAND DEVELOPMENT REGULATIONS
MAY 24, 2004 AT 6:00 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 May 24, 2004, at 6:00 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
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

ABSENT:

City Attorney Christopher White

STAFF:

Director of Community Development Jason Cleghorn
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 6:08 p.m.

Height Referendum

Mayor Brown stated the first item to discuss was the Height Referendum.

City Manager Jarboe explained at the last meeting there was discussion as to what the point of reference was. The staff's recommendation for the point of reference was within the packet. He read it aloud, "The Point of Reference for determining the height of a building shall be of one foot above the crown of the road in front of the propose building or the average of the natural existing grade. The point of reference for determining the height of a commercial building affected by the Coastal Construction Control Line will be the minimum elevation required for habitable space required by Florida Administrative Code."

Councilor Weldon stated he was happy with it except the conflict of natural grade or crown of the road. After some discussion it was suggested adding "the greater of". He also explained the second line had an effect on all of the commercial area. Council discussed the effect of this line, which would make some commercial buildings slightly higher.

City Clerk Volpe stated the elections office confirmed that the code language, ballot title

and ballot summary could all be included on the ballot. Council asked if the code language could be left out to avoid confusion. Ms. Volpe commented she would find out.

Councilor Weldon pointed three typo's 1) in c "back" needed to be deleted and "building" needed to be directly after "damaged" 2) in d add "and" after steeples and change "occupation" to "occupancy".

City Manager Jarboe stated once the changes were made it would be sent out for the council to look at. The city could send out information about the referendum instead of the newsletter before election.

Consensus **TO INSERT THE NEW WORDING INTO THE ORDINANCE.**

: ***Section 4.06 Building Height Limitation Set by Referendum., no building that exceeds 35 feet shall be permitted in the City.***

- (a) *Purpose. To protect the public health, safety, general welfare and aesthetics.*
- (b) *Point of Reference. The Point of Reference for determining the height of a building shall be the greater of one foot above the crown of the road in front of the propose building or the average of the natural existing grade. The point of reference for determining the height of a commercial building affected by the Coastal Construction Control Line will be the minimum elevation required for habitable space required by Florida Administrative Code.*
- (c) *Damaged Buildings over 35 feet. Such buildings maybe rebuilt back to their original height.*
- (d) *Exceptions. 1. Non-residential buildings maybe allowed an additional five-feet
for uses such as air conditioners, solar cells,
elevators and parking.
2. Antennas, flagpoles, steeples, and water towers
not intended for
human occupancy may exceed the height limit.*
- (e) *Lower Height Limits. City Council may impose lower height limits in individual zoning districts.*

BALLOT TITLE: Adding Section 4.07 Building Height Limitation to the Neptune Beach City Charter.

BALLOT SUMMARY: Adding Section 4.07 Building Height Limitation to the Neptune Beach Charter limiting the height of new and remodeled buildings to 35 feet; providing height definitions and exclusions; allowing for a provision for damaged buildings to be rebuilt to their existing height, and authorizing the City Council to impose lower height limits in individual zoning districts.

Land Development

LAND DEVELOPMENT REGULATIONS GROUP 1 & 2: City Manager Jarboe explained Table 27-226-1 needed to be reviewed to finish Land Use.

Table 27-226-1

He stated mall type retail space needed to be discussed since the issue has come up in the city recently. After some discussion, Vice Mayor Gilbert recommended doing it by exception. City Manager Jarboe stated the problem is that it is not mentioned at all in the table and therefore a problem. It causes problems with the building official and code enforcement and occupational licensing. It is labor intensive for a small staff. The council will hear the mall issue in Scotty's at the June regular meeting. Planning Development and Review Board passed the Scotty's development order with some exceptions.

Consensus: **TO ADD MALL TYPE RETAIL SPACE BY EXCEPTION IN C1, C2, AND C3.**

Community Development Director Cleghorn asked if an entire new line item under retail needed to be added. Council said yes. Mr. Cleghorn would research the correct name for this type of establishment.

Vice Mayor Gilbert asked about worship facility not being permitted where social fraternal club and lodge was permitted. It should be all or none to avoid discrimination. Gilbert suggested not allowing any in commercial zone. Discussion ensued over what to allow. City Manager Jarboe and Community Development Director Cleghorn suggested allowing all by exception in commercial. Councilor Weldon suggested only allowing all in residential by exception.

Consensus: **TO ALLOW WORSHIP FACILITY IN ALL DISTRICTS BY EXCEPTION AND MAKE FRATERNITY/SOCIAL CLUBS BY EXCEPTION BUT NOT PERMITTED IN ALL COMMERCIAL ZONES.**

Vice Mayor Gilbert asked why building height pages were included in the packet. Mr. Cleghorn asked if building height definition in the text of the code had to be changed to match the upcoming referendum definitions.

Consensus: **TO CHANGE THE CODE TO MATCH THE REFERENDUM.**

Councilor Pruette asked if we should define POD's. Community Development Director Cleghorn said he would add that to the definitions as well as in Article V. Discussion ensued over how long they should be allowed. Vice Mayor Gilbert said limit to 30 days unless on the building permit.

Councilor Pruette mentioned a "horse trailer" on Myra Street. Assistant to the Building Official Piper Turner said it would be taken away by June 7th. Mr. Cleghorn said he would look into it.

Article V

Community Development Director Cleghorn started with page one of Article V Accessory Structures and Uses.

Councilor Pruette asked about temporary carports and also other temporary structures. Mr. Cleghorn stated he would look into it.

In Section 27-328(a) (2) (c), Vice Mayor Gilbert stated there are already a lot of houses that do not have 10 feet to install air conditioner units. Discussion ensued about this. Mr. Cleghorn stated he needed to change 5 foot fence to 4 feet in Section 27-328(a) (2)(c)(2) so the fence does not have to be solid.

Consensus: **TO LEAVE 2C ABOUT AIR CONDITIONING COMPRESSORS AS IS AND TO CHANGE THE FENCE HEIGHT TO FOUR FEET.**

Mr. Cleghorn pointed out Section 27-330 (a) (3) Any fence should be not be more than seventy-five (75) percent solid. Vice Mayor Gilbert opposed regulating the type of fence. Councilor Pruette preferred shadow box east of Third Street for any type of breeze. Councilor Weldon agreed with her. Vice Mayor Gilbert suggested doing it by zone. Discussion ensued. Mr. Cleghorn suggested to have any fence over 6 foot not be solid or to add except in R4 district.

Vice Mayor Gilbert asked why an overlay district east of Third Street could not be made. Mr. Cleghorn stated this would take a lot of research and may want to pass the Land Development Regulations and then look into this.

Consensus: **TO COME BACK TO THE FENCE ISSUE AT A FUTURE MEETING.**

City Manager Jarboe pointed out Section 27 (330)(c) needs to be updated for the ordinance we just passed.

Fred Catter, a Neptune Beach resident, emailed asking that real estate brokers be added to home occupations. Mr. Cleghorn stated the trade is governed by state law, where they are required to have a sign at their place of business. This would be a problem in the city's code, which prohibits external signs for home occupations. Also home occupations should not have additional traffic. The council discussed this idea. Mr. Cleghorn recommended to leave it as is. Councilor Weldon agreed with him.

Discussion ensued about different occupations allowed at home.

Consensus: **TO KEEP REAL ESTATE AGENT AND BROKER LICENSE ISSUE AS IS IN THE CURRENT DRAFT.**

City Manager Jarboe questioned contractor storage.

Recess/Reconvene

Mayor Brown called a recess at 7:15 p.m. and reconvened the meeting at 7:30 p.m.

Kings Road Bridge

Councilor Weldon asked if the public could speak about the Kings Road Bridge.

Ron Powell, 1830 Nightfall Drive, had concerns about the bridge design with no railings between vehicle traffic and pedestrians. He would like to see an area designated for pedestrians which provides safety.

Roger Bennett, 1875 Nightfall Drive, had concerns about the bridge design having no railings between vehicle traffic and pedestrians.

James Wetzel, 1821 Indian Woods Drive, have lived there a long time, consider change add sidewalk on west side and speed should take into consideration

Reeny Grider, 1870 Nightfall Drive, has seen area grow, there is a lot of kids going over bridge and should have safe sidewalk.

Sue Connelly, 1864 Nightfall Drive, voiced support for better safety conditions on bridge.

Steve Jarrett, Jacksonville Beach, questioned what the safety issue was.

Councilor Weldon thanked council for allowing them to speak. Councilor Pruette agreed.. City Manager Jarboe stated the changes must be made soon. Discussion about bridge ensued.

Consensus: **SET A WORKSHOP AT 6:30 P.M. ON JUNE 7, 2002 BEFORE THE REGULAR MEETING.**

Mr. Cleghorn stated he would have to look into Section 27-333. He did not know why the consultant put it in. It could be discussed at the next meeting.

Article XIII

Cleghorn moved on to Article XIII Off Street Parking and Loading.

Councilor Pruette suggested adding building official to Section 27-540(d). Mr. Cleghorn stated that was ok.

Consensus: **TO ADD BUILDING OFFICIAL TO SECTION 27-540(d).**

Community Development Director Cleghorn added Section 27-542 Bicycle parking requirements. He felt it was a good idea that came out of the Town Center Parking Committee for the CDB. Vice Mayor Gilbert stated it should not be the responsibility of the storeowner to provide surveillance equipment.

Consensus: **TO TAKE OUT SURVEILLANCE.**

Mr. Cleghorn explained Section 27-543. In some conditions it was impossible to conform to the parking requirements. He had added Section 27-545(b)(2) where owners could add landscaping if parking requirements were deferred. Mayor Brown did not see the reason for this. Mr. Cleghorn stated he could make it a suggestion instead of a mandatory rule.

Weldon asked to take out "thru the input of Community Development Director" since this was inferred.

Consensus: **CHANGE THE LANDSCAPING PLAN FOR DEFERRED PARKING AREA FROM "SHALL" TO "MAY" AND TAKE OUT "THRU THE INPUT OF THE COMMUNITY DEVELOPMENT DIRECTOR".**

Councilor Pruette questioned Section 27-548(h) about drainage. Discussion ensued.

Community Development Director Jason Cleghorn stated he and Sonya Doring of Atlantic Beach would get together in the future to establish some guidelines for the two cities to be in common. As it was now there was not much difference.

Councilor Pruette questioned Section 27-540-1 table that only asked for 2 spaces for single-family homes. Most families have more than to 2 vehicles. Councilor Weldon disagreed because the city should not encourage over paving. Vice Mayor Gilbert suggested the lots are not big enough to ask for more parking. Discussion ensued.

Article XVIII

Mr. Cleghorn moved on to Article XVIII Nonconforming lots, structures, uses and signs.

He stated he did not make many changes to this article. Section 27-707 needed to be changed to comply with the new sign ordinance.

Councilor Pruette asked Mr. Cleghorn to explain Section 27-705(b) Terminating nonconforming development. Mr. Cleghorn stated there was a lot of discussion on Section 27-706 (b), but it still works as written.

Assistant to the Building Official Piper Turner stated the building official asked how far is substantially taken down voluntarily, what is remodel and what is rebuild. Is it 50% or one wall or what is the determination? Discussion ensued.

Adjournment

There being no further business, the meeting adjourned at 9:20 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____