



**MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, JULY 5, 2022, 6:00 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, July 5, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

Attendance:**IN ATTENDANCE:**

Mayor Elaine Brown
Vice Mayor Kerry Chin
Councilor Lauren Key
Councilor Nia Livingston
Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
City Attorney Zachary Roth
Police Chief Richard Pike
Chief Financial Officer Danielle Dyer-Tyler
Public Works Director Jim French
Community Development Director Samantha Brisolara
Grants and Resiliency Coordinator Colin Moore
City Clerk Catherine Ponson

**Call to Order/Roll
Call/Pledge**

Mayor Brown called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS

**Above and Beyond
Award**

Robert Gross, with the Employer Support of the Guard and Reserve, Department of Defense, presented the City of Neptune Beach Police Department with the Above and Beyond Award. Officer William Torres is a Neptune Beach Police Officer who is also an active member in the U.S. Naval Reserve. Officer Torres recently returned home after being deployed. Officer Torres nominated the NPBD for the Above and Beyond Award in recognition of the support he received while being overseas.

APPROVAL OF MINUTES

Minutes

Made by Key, seconded by Messinger .

MOTION: TO APPROVE THE FOLLOWING:

June 6, 2022, Regular City Council Meeting
June 21, 2022, Special City Council Meeting
June 21, 2022, Workshop City Council Meeting

Roll Call Vote:

Ayes: 5-Key, Livingston, Messinger, Chin, and Brown,
Noes: 0

MOTION CARRIED

PUBLIC COMMENTS

Public Comment Chuck McCue, 1908 Third Street, Neptune Beach, stated he had comments regarding the C-1 district. He first questioned what is the rush and if it could be postponed. In C-1, he wants to scratch out any and all restaurants, bistros and anything that serves food, with the concerns of the dirty nature backside of a restaurant and the concerns of the people who live behind it. He is also concerned with the late night crowd. He stated to keep it as is with doctors, lawyers, and stuff like with minimal people coming and going. He asked if there are restaurants that there be no alcohol. He also has concerns regarding donations. He requested no 40-foot lots.

COMMUNICATIONS / CORRESPONDENCE / REPORTS

City Manager Report City Manager Stefen Wynn reported there is a 100-mile bike challenge sponsored by the Florida League of Cities.

Grants and Resiliency Coordinator Colin Moore reported that over the July 4th weekend the bike tracker was 7,353 bikes on First Street. Central Park in New York had 3,934.

All monthly City Manager reports can be found, in their entirety, at: <https://www.ci.nepturmanager/pages/city-manager-reports>.

Police Chief Report Police Chief Richard Pike reported there was a record crowd for July 4th. There would be an after action report submitted at a later date.

VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE**ORDINANCES**

Ord. No. 2022-03, LDC Revisions Ordinance No. 2022-03, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida Amending and Revising Chapter 4, Alcoholic Beverages; Chapter 8, Buildings and Building Regulations: Article VII, Coastal Construction Code; Chapter 17, Sales; Chapter 18, Streets, Sidewalks, and Other Public Places; of the Code of Ordinances and Further Amending and Revising Chapter 27, Unified Land Development Regulations; Revising the Following Articles: Article I , In General, Article II Administrative and Enforcement Bodies, Article III, Administrative And Enforcement Procedures, Article IV, Land Use, Article V, Accessory Structures and Uses, Article VI, Concurrency, Article VII, Protection of Potable Well Fields, Article IX, Tree Protection and Landscaping, Article X, Streets, Sidewalks, and Rights-of-Way, Article XII, Stormwater and Erosion Control, Article XII, Off-Street Parking and Loading, Article XV, Advertising, and Article XVII, Nonconforming Lots, Structures, Uses and Signs; Providing Severability; Providing for Repeal of Laws In Conflict; and Providing for an Effective Date.

Public Hearing Mayor Brown opened the public hearing.

Russell Peters, 99 Orange Street, 214 Cherry Street, 1701 Third Street Neptune Beach, spoke regarding crime in the area, parking and the new office building.

Cathy Jennings, 710 Oceanfront, Neptune Beach, spoke regarding the alcohol consumption in the Town Center and the quality of life in Neptune Beach. She requested holding off on alcohol venues.

Heather Perez, 99 Orange Street, Neptune Beach, stated she grew up in the area. She wants to understand some of the things that are happening. She wants to keep the quality of our beach town.

There being no further comments, the public hearing was closed.

Mr. Wynn explained that at the Special Workshop on Wednesday, June 29, 2022, we specifically addressed any amendments or edits. We took notes and made those changes and that is what is being presented tonight for the first read of the LDC Ordinance. Community Development Director Samantha Brisolara is going to show the exact changes being requested and go to the LDC Draft to show the changes were made.

C-1 Zoning District Ms. Brisolara summarized all the changes that were discussed and how they were made. The first change is the uses that are allowed by right and by special exception in the C-1 zoning district. Restaurants were removed and retail sales were added by special exception. Dance and entertainment facilities were completely removed as requested.

Hours of Boutiques In Section 27-227 (5), we removed language regarding the C-1 district. In Section in 27-227 (6) e., language was clarified to state in the C-1 zoning district only, retail shall be limited to boutiques as defined in section 27-15 and shall only operate between the hours of 10 a.m. and 8 p.m. The definition of boutique was added in Section 27-15.

RC Overlay Lots In the RC Overlay, we revised the lot size to 8,500 square feet and changed the language in Superscript 11 to state "Minimum lot width for duplexes that have been divided into two fee simple lots of 40' each prior to November 1, 2021 shall be deemed conforming."

Ms. Brisolara confirmed Councilor Messinger's clarification that the lot has to be 80 feet wide.

Density Calculations The density calculations were clarified by stating: "For buildings on lots that have already been subdivided and streets have already been created, gross area means the entire lot area without inclusion of the adjoining local public right-of-way. Notwithstanding the preceding sentence, one-half the width of the adjoining local public right-of-way shall be included in the calculation of gross area for any lot on which a residential building existed at the time of this ordinance if:

- (i) Calculation of the gross area of the lot without inclusion of one-half the width of the adjoining local public right-of-way would result in such lot not meeting the minimum calculation required to permit a single residential unit on the lot; and
- (ii) Calculation of the gross area of the lot with inclusion of one-half the width of the adjoining local public right-of-way would result in such lot meeting the minimum calculation required to permit a single residential unit on the lot.

The definitions for gross site area and density were clarified to include the provisions above.

PUDs The PUD language was revised to include in the intent portion that the development will maintain general safety and welfare for the public as determined by City Council and the development will provide a public benefit as determined by City Council.

Ms. Brisolara answered Mr. Wynn's inquiry that the cost to just apply for a PUD would be a minimum of about \$15,000 and based on one of the larger lots the City has would be calculated at \$60,000.

Ms. Brisolara reported there was revised language added to clarify that PUDs may only have uses that are allowed in the zoning district in which they would be located. Language was also added to anticipate split zoned properties to include a super majority vote for a proposed use.

Language was added to require a super majority vote from Council for approval or partial approval of a PUD.

Council Discussion Vice Mayor Chin clarified that we are keeping lot sizes in the R-4 district east of Third to 50 feet except for ones that were grandfathering in the one that were replatted to 40 feet before the moratorium. He gave reassurance regarding the PUDs. He reiterated that they are not in

the permitted uses or special exception, which gives the City the ability to deny them. They have the privilege of submitting an application, and as stated earlier, the fee could be as high as \$60,000.

Vice Mayor Chin stated that we hear the concerns about crime. We have to take some hard questions with the Community and talk about what kind of controls would they be willing to live with in order to combat what's happening.

Councilor Key remarked that she can appreciate the further reassurances for the PUDs and the super majority. The state is coming out with legislation that does not allow cities to make decisions for themselves. They are state driven where each community is very different. One of those things is the Airbnb issue. The state now says you have to allow Airbnb's. We have regulations in our Code prior to that. We were grandfathered in. She sees the PUDs as part of the same thing. We just further strengthened it by saying the supermajority. This should give people some comfort. She feels comfortable with the PUD being in the Code.

Councilor Key pointed out that restaurants have been taken out. There are no new bars or anything like that. She saw the pictures on Facebook depicting what it could look like. Some of them are outdated. We had a meeting last week which was super-productive. We have listened to constituents. Things were removed. She feels good with where we are at and moving forward.

Councilor Livingston stated she had received questions regarding the PUDs and intensity and density. Her understanding is that there is language regarding intensity and our existing Code has language concerning increasing density. But that would be in terms of residential, whereas we have taken residential out. She questioned since we have taken residential out, is density an issue.

Ms. Brisolara answered that density is only used in residential components. Since we are only allowing commercial type entities, it would be looked at through intensity. Any concerns regarding density are not applicable.

Councilor Livingston commented she appreciates the extra language regarding the super majority. She questioned if transfer of ownership and would the PUD follow the next owner.

Ms. Brisolara advised that the PUD is set up to have its own zoning layers. All of the conditions, even if it sold and they don't make any changes, it is going to be restricted to whatever the zoning overlay has. If it is sold and they want to change, they would have to do something different.

Mr. Roth clarified that the buyer is stuck with the PUD zoning unless they want to come back to the City and have it rezoned again.

Councilor Messinger asked Mr. Roth to explain how having a PUD, it will protect our city versus put it at risk.

Mr. Roth stated that some of the new language in a couple of different places refers to as determined by the City Council. That's largely included because it allows us now if there is going to be a statute in Tallahassee that's going to pass, we can say no, our Council intended all along. This is how it would apply. And so it's a clarification of an existing provision rather than having to try to add one once it's been taken away from us. One of our considerations is by having language in here that allows the Council to say, know the intent all along this.

Councilor Messinger clarified information regarding a large residential development or something of that nature coming into a commercial zone. It's expressly prohibited not only in our Land Development Code that we're talking about tonight, but it's expressly prohibited in our Comprehensive Plan that was already approved. It's multiple layers of protection that we

didn't have prior to this. You can't use the PUD to apply for things that have been removed.

Mr. Roth stated that the super majority actually makes it harder to get a PUD where you can't do something that's not allowed. This is a more restrictive provision than simply modifying our Code. There's no way around this to get something that's not allowed in the district unless you change the Code to make it allowable in the district.

Councilor Key expressed that approving a PUD does not set a precedent. Just because it is approved one time does not mean someone can get it again.

Mayor Brown stated that not only have we done the homework, but we also have been through the process of having many meetings and we could have more. If we move this forward in two more weeks, it will be brought up again. We are still listening. We have made great strides. She questioned what is the requirement of a PUD? What are some public benefits?

Ms. Brisolara answered that it could be sidewalks or infrastructure that aren't even on the lot. It is in the Council's discretion. It does not change what is allowed in the area.

Mr. Wynn reminded everyone that this would not be on an agenda until Monday, August 1, 2022.

Mayor Brown expressed again that if anyone has any questions to please let us know.

Made by Chin, seconded by Key.

MOTION: **TO APPROVE ORDINANCE NO. 2022-03, REVISING AND AMENDING THE LAND DEVELOPMENT REGULATIONS ON FIRST READ**

Roll Call Vote:

Ayes: 5-Livingston, Messinger, Key, Chin, and Brown

Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 6:57 p.m.



Elaine Brown, Mayor

ATTEST:



Catherine Ponson, CMC
City Clerk

Approved: 8/1/2022

