



**MINUTES
CITY COMMISSION, PLANNING
AND ZONING BOARD, AND TREE
BOARD / BEAUTIFICATION CITIZENS
ADVISORY COMMITTEE JOINT WORKSHOP
CITY OF ST. AUGUSTINE BEACH
May 26, 2016 5:01 P.M.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Mayor O'Brien called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor O'Brien led the Pledge of Allegiance.

III. ROLL CALL

Commission Present: Mayor O'Brien, Vice Mayor George, Commissioner Samuels, and Commissioner England.

Commissioner Snodgrass was absent.

Planning and Zoning Board Present: Chairperson Jane West, Member Roberta Odom, and Member Steve Mitherz.

Vice Chair David Bradfield arrived at 5:06 p.m.

Members absent: Elise Sloan, Jeffrey Holleran and Zachery Thomas.

Chairperson West left the meeting at 6:20 p.m.

Tree Board and Beautification Advisory Committee Present: Chairperson LeaAnn Lombardi, Member Jeannette Smith, Member Craig Thomson, Member Mary Beth Hutchinson, and Member Ann Palmquist.

Member absent: Vice Chair Tanya Frantzen.

Also Present: City Manager Royle, City Attorney Wilson, City Clerk Raddatz, and Building Official Larson.

IV. REVIEW WITH MS. LINDSAY HAGA OF INTERIM REPORT OF CHANGES TO THE LAND DEVELOPMENT REGULATIONS

Mayor O'Brien introduced Item IV and advised that this was a workshop and no formal actions would be taken. He then asked for Mr. Teeple to begin the meeting.

Mr. Teeple recapped the process that brought the proposed code changes to this point. He explained that at the next workshop, depending on the feedback of this meeting, new proposed codes would be updated and a final draft would be presented late in July. He commented that due to the amount of code changes, the next two workshops would require a longer timeframe in order to go over all the proposed codes and suggested to meet earlier if possible. He advised that the City would advertise for two public hearings to adopt the Land Development Regulations (LDR) by ordinance. He then went over ground rules on how the meeting would be conducted.

Ms. Haga handed out copies of "Workshop #2 Interim Ordinance Report" (Exhibit 1). She explained that she would be going over the basic changes first which were: Article 1, General Provisions, Article 3, Land Use type, density and intensity and Article 10 Hardship Relief. She advised that anywhere in the codes that gives a staff provision has been changed for the City Manager / Administrator to designate the most appropriate staff and decision authority under Article 1. She commented that Article 3, Land Use, changes were to add in schools as permitted uses in all zoning districts and restrict commercial in residential districts. She advised that schools have to be in the codes when the City has residential communities. She explained that the schools do have an impact, such as traffic, noise, lighting, etc. She commented that a high school would have the biggest impact, but the City could have an elementary school, which would need code provisions. She explained that Article 10 was a new method to implement the Land Development Regulations (LDR). She further explained the language was made clearer by saying that any code that was not specific to a matrix, would then have the professional staff's decision written down so the Commission or staff could refer back to it if another similar incident occurs. She gave an example of a parking matrix where a determination had been made by the staff and the owner did not agree, the issue could be appealed to the Commission. She asked the Boards to give their input on the proposed codes.

Mr. Teeple advised that it gives a body of evidence that would be on the public record and gives a precedent so that the next time the staff has a similar request it would be guided by consistency.

Ms. Haga advised that the precedents should eventually be codified in the Land Development Regulations (LDR). She explained that that could be put in this section in order for it to be followed.

Mr. Mitherz's asked why the school language should be added or changed.

Ms. Haga advised that the Comprehensive Plan states that schools must be allowed in all residential districts. She explained that if the City does not want this provision, then the City needs to change the Comprehensive Plan.

Ms. Palmquist asked about the parking standards and how this would make it one method.

Ms. Haga explained that this would allow the parking standards to be transparent on any unlisted uses in the parking table. She advised that when she moves forward on parking issues there would be discussions on uses and ratios listed. She commented that the way to make an interpretation was to match it to the most similar use and then to the similar design standards; however, it also should be determined by the location and what issues that the location has. She explained that once the interpretation has been made it would be outlined and published and the public could comment on it without listing every unrealistic use.

Mr. Thomson asked what the appeal process would be in Article 12, Administration and Enforcement.

Ms. Haga advised that the only change that was modified in Article 12 was to bring it in front of the City Commission for the appeal process.

Mr. Thomson advised that if the City Manager makes the determination of the designee who would be qualified to be the affected person to file the appeal.

Ms. Haga advised that an effective person has been put into the code under Article 12 and that there is a matrix to use to decide who would be an affected person.

Vice Mayor George explained that she would not like the appeal process to be conducted by a staff member, but would like a preliminary review done by the Commission. She asked who would make the decision on whether there needs to be a public interpretation. She advised that if the issue was not black and white, then she advised that the public wanted an extra layer of the decision making process appealable on who was an affected person.

Ms. Haga advised that if there were community issues, the City could address them successfully, but she explained that every idea could not be addressed and there were several issues are not debatable, such as setbacks, etc. She commented that most issues would not be up for interpretations and should be addressed in the code.

Vice Mayor George asked if the Commission could make the decision on the interpretation.

Ms. Haga advised that it could be possible, but asked what would it apply to.

Vice Mayor George commented that it would give an opportunity for someone who believed that the issue was not an expressly written standard, but staff believes the issue was not. She advised that she would like the Commission to have a preliminary view to see whether the applicant could appeal to the Commission.

Ms. Haga advised that she could put in the code to include a letter of interpretation about the provision and then the property owner could appeal that decision. She commented that usually there are very few of those.

Vice Mayor George asked who would pay for the appeal.

Ms. Haga advised that the applicant would have to pay for the appeal process and all City costs. She commented that she would put in fee schedules according to volume.

Commissioner Samuels asked if the codes would include Department Heads not reviewing their own decisions. She asked if the City Attorney could review the interpretations and make the determination whether or not it should come before the Commission.

Ms. Haga advised that she could include that in the codes

Ms. West advised that she didn't agree with that course of action because it would still be a unilateral decision for the City Attorney, which would not allow for due process. She advised that she felt it should be done at a public hearing.

Ms. Haga advised that the code would have a threshold level on timeliness and could allow for the City Attorney and the City Manager to work together to reach a decision.

Ms. West advised that she would be leaving the meeting early and wanted to discuss Article 10. She then asked where the codification on hardship decisions would be.

Ms. Haga advised that it would depend on what the interpretation was. She explained that it would be codified under the code that it would pertain to.

Ms. Haga then moved forward to Article 2, Building Height. She advised that building heights have been modified in Articles 2 and 6. She explained that the standards were by the City Charter and were put into the definitions. She also explained that illustrative drawings should be added to clarify the Charter language. She commented that any changes to the starting point of the building height would have to go back to the Charter.

Mr. Thomson advised that the definitions should be discussed to determine how the building height is established. He advised that the goal was to have language on the starting point that would not make the building height higher than 35 feet.

Ms. Haga advised that she could not write the Land Development Regulations to change the Charter.

Mr. Thomson advised that the Land Development Regulations and the Comprehensive Plan could interpret the Charter.

Ms. Haga commented again that she could not modify the City Charter by changing the language in the Land Development Regulations. She commented that if the City Charter was amended, then she would be able to change the codes.

Discussion ensued regarding to qualify or clarify the language regarding the Telecommunication Act from the City Charter by giving examples in the Land Use Regulations; not having the restricted rules of the City Charter deviate from the Flood Plan so buildings would be insurable; what were the definitions of adjacent grade and finished floor; Federal Emergency Management Agency (FEMA) determining the flood evaluation; and the height interpretation of Embassy Suites.

Commissioner England advised that the code needs definitions and examples of what the structural elements are in the Telecommunication Act.

Ms. Haga advised that she would work on it

Commissioner Samuels advised that she does not want anything that would stop FEMA from insuring the City and the homeowners.

Ms. Haga advised what St. Johns County does regarding their height limit and gave examples such as: limiting the amount of fill allowed on any lot, having the structure adjacent to the next lot, and working with other agencies who have permanent control along the coast. She advised that the City could introduce flexibility on fill limitation, trees that have to remain on site, etc.

Commissioner Samuels advised that the language has already been discussed previously and it was decided that adjacent grade language should be used and was in concert with St. Johns County.

Ms. Haga advised that she did hear the comments given and believed that she had enough information to move forward on this issue.

Vice Mayor George asked Ms. Haga to make sure that there was a limit on the amount of fill and that the height of the adjacent lot be a relevant part of the final equation.

Mr. Thomson requested that the height on the roof be modified to not more than ten feet on residential buildings

Ms. Haga advised that the Charter language does not exempt residential homes or accessory structures.

Discussion ensued regarding giving examples of the types of architectural structures and size in the Land Development Regulations.

Commissioner England advised that on Page 111 under Section B of the backup materials, it gives examples of architectural features.

Commissioner Samuels explained that the Charter allows for ten feet for accessory structures or parapets.

Vice Mayor George advised that the Commission shall not draft an ordinance that would allow height larger than what was in the City Charter. She commented that the structure could be lower than 35 feet, but not higher. She asked Ms. Haga if Section 6 01.04 A-D was written exactly from the City Charter.

Ms. Haga advised yes. She explained that the Land Development Regulations describes how the building would be measured to make sure it's what the community wants.

Vice Mayor George pointed out that Section 6.01.04 Item C says it must be approved by the City Commission and that was not the case for Embassy Suites.

Ms. Haga advised that she modified that language in the Land Development Regulations, so it would come before the City Commission.

Discussion ensued regarding the maximum ten feet for parapets.

Ms. Haga advised that the Commission might want to consider establishing residential heights by zoning districts.

Commissioner Samuels asked for clarification. She proposed an example of a hardship for someone who was handicapped who wanted a 35-foot home, but needed a home elevator. She asked if they would be able to use the additional height in a zoning district that was limited.

Mr. Thomson advised that they could still have the elevator in a 35-foot home.

Discussion ensued regarding whether the parapets could be considered habitable space and whether a variance would be required.

Mr. Thomson advised that he would like to have a structure be measured by the height and mass according to the structures surrounding the building.

Vice Mayor George asked if the additional ten feet for parapets, etc. was in the Land Development Regulations.

Ms. Haga advised correct.

Vice Mayor George asked if the language could be tweaked. She advised that someone then could go for a variance to get the extra ten feet, but she felt that it was not necessary to write it in the Land Development Regulations at the present time.

Ms. Haga advised that they would change that language regarding residential homes.

Vice Mayor George advised that the intent of the Charter was to express the maximum height possible and explained that she doesn't want to have the extra ten feet as a given for a variance.

Ms. Haga advised that Vice Mayor George's request was to add in the Land Development Regulations that the 35-foot height was a maximum and by using zoning districts there may be lesser maximum heights. She advised that there would be a mechanism to allow for that increase in height in a certain zoning district up to 35 feet.

Commissioner Samuels advised that her concern was on Page 111 under Section 6.01.04 B, which shows what the 35 foot limitation applies to.

Ms. Haga advised that the top of the structure should be limited to 35 feet and parapets or cupola could be an extra ten feet, so the whole structure would be 45 feet. She commented that could cause an unintended circumstance. She advised that there was no language regarding the total space for the cupola. She suggested that no more than 20 percent of the top of the structure could be used, so the owner does not overbuild.

Vice Mayor George advised that she wouldn't want to see the ten-foot allowance for commercial and not residential property owners, but instead create a process where a variance or percentage limitation could be established in the code.

Ms. Haga advised that she would work on all the input on this issue and bring it back for discussion at the next workshop. She then moved on to tree preservation.

Discussion ensued regarding the coastal hammock definition being ten or more trees, but not having a size requirement defined; using clustering to define coastal hammock; coastal hammock definition being limited because of lot size; definition of ten or more trees could apply to more than one lot by the trees crossing over lot boundaries; what types of trees would be considered as coastal hammocks; requirement for surveys on the lots where coastal hammocks were found; defining coastal scrubs geographically to make the coastal hammock definition clearer; whether cabbage palms should be considered as a coastal hammock or not; whether the definition of a coastal hammock of ten trees should be defined within a certain amount of square feet or area size; and whether mangroves should be protected and considered in the coastal hammock definition.

Ms. Haga advised that any trees which were six-inches in diameter are considered a protected tree. She explained that the fee schedule for mitigation would be by the tree diameter.

Commissioner Samuels advised that the live oak trees are specific protected trees and was more concerned over their preservation than mangroves.

Ms. Haga recapped the discussion and advised that she would update the codes and present them at the next workshop. She advised that the codes were written that mitigation would have to be done if redevelopment was occurring.

Vice Mayor George advised that she liked the changes and wanted to leave in the code that mangroves and palm trees were a coastal hammock. She advised that it would trigger the mitigation process and would hold the residents and developers accountable for tree removal.

Discussion ensued regarding whether tree surveyors were in the definitions; being consistent in the code by allowing ten percentage of the palm trees to be cut per year without a permit; the code requirement to preserve trees in a coastal hammock being set at ten percent.

Ms. Haga advised that if the property owner wanted to increase the percentage, they would have to go to the Planning and Zoning Board for approval.

Commissioner Samuels advised that there was language about requiring a permit when cutting down exotic or endangered species.

Ms. Haga advised that the code does not require to mitigate for a nuisance or evasive species, but she agreed to tie the code language together and would make it clearer. She advised that she would include the definition for exotic and nuisance species.

Discussion ensued regarding reviewing the definitions for exotic and nuisance species, coastal hammock and scrubs.

Ms. Haga explained the code language changes on page 69 of the material. She advised that the Commission received Commissioner Snodgrass's letter he submitted for discussion on tree preservation (Exhibit 2) and asked if they had any questions regarding the topics.

Discussion ensued regarding what constitutes removal; the differences between landscape architects and arborists; site plans being certified by a landscape architect or arborist; whether having to hire an arborist adds a burden to the property owner; and tree preservation being important for water absorption, to shade new saplings and a good resource for the local community.

Ms. Haga advised that the code was being proposed about all tree removal, regardless of the reason and would require a permit and mitigation. She explained that whether the property owner was developing a still-water pond, roadway, driveway, or home foundation, the property owner would have to mitigate the trees. She asked if the City decides on underground utilities, would the Boards want codes written to require mitigation or should the code language exempt fees and mitigation.

Vice Mayor George advised that she pointed out to Mr. Teeple Florida Statutes 163.209 regarding right-of-way maintenance for utilities and asked that it be included in the code language that utility companies must give notice to the local government and follow regulations of the trimming and removal of trees at the City's standards. She also requested that an arborist be hired for certain tree removals, but not for cabbage palms.

Commissioner Samuels advised that it would not necessary to get an arborist for cutting off a dead palm frond. She explained that it puts a burden on the property owner.

Ms. Haga agreed and would address it in the code regarding maintenance of existing homes. She explained the differences between a certified landscape architect and an arborist.

Commissioner Samuels advised that the regulations need to consider the resident's costs. She requested that the codes incorporate language regarding the line of site when planting trees, so that residents don't have to inch into the street in order to see traffic coming.

Ms. Haga advised that it was in another section, but would incorporate it in this section as well.

Ms. Samuels gave an example of tree roots invading pool structure on a residential property. She advised that she didn't feel it was right to make the resident hire an arborist when they are already dealing with the costs fixing the structure.

Ms. Haga advised that she would look into why this requirement was there and whether there were any exemptions for mitigation.

Discussion ensued regarding what was the definition of a structure; code language being excessive requiring a resident to hiring an arborist when removing a tree on an existing property to fix a problem with a structure; whether an arborist has to be used or can the Building Official make the decision; and the code language requiring putting in a tree when the resident builds a structure on their property.

Ms. Haga advised that every tree removed needs to be mitigated.

Vice Mayor George advised that she was in favor of mitigation.

Commissioner Samuels explained that the only time in the code that mitigation does not have to be done would be a tree that has fallen or there was a diseased tree, which she didn't understand.

Commissioner England asked to change language on page 71 to say that if the Building Official feels that an arborist is needed, then an arborist would have to be hired.

Commissioner Samuels advised that she wanted a definition of a structure.

Ms. Haga advised that the language in the code does not have exemptions for mitigation and if the Commission wanted to change that, then it needs to be discussed.

Vice Mayor George advised that she was not in favor of changing the language for mitigation. She advised that no property owner would be forced to plant trees on their property and there would be an alternative on where a tree could be planted.

Commissioner Samuels advised that she has a problem with having to pay for an arborist and a tree when it was destroying her property. She asked where the rights of the person stop.

Mr. Thomson advised that mitigation was not that expensive and the Tree Board's job was to reforest and preserve trees. He explained that right now there was no money in the tree bank and that needs to be addressed.

Commissioner Samuels explained that she was focusing on personal property rights.

Discussion ensued regarding existing and new homes tree mitigation rules; whether property owners caused the problem themselves by planting a tree and then placing a structure in the way of the tree; and allowing the Building Official to make decisions on whether to remove a tree and not a certified landscape architect or arborist.

Ms. Haga advised that what she was hearing was that the code language should be clearer and that there has to be an exemption. She asked the Boards what qualifies as an exemption.

Vice Mayor George suggested language that if the resident could not pay for a tree permit and there was an imminent danger to a structure, then they would still be issued a permit regardless; however, if a resident could pay then a mechanism would be created in the code.

Discussion ensued regarding after-the-fact permits and fees; who pays the fee; language being subjective in regard to imminent damage and the threshold on who could pay for mitigation; and having to mitigate a tree if a structure like a shed was built.

Ms. Haga advised that she would address the concerns and clarify the language.

Vice Mayor George advised that everyone was in agreement to issue the permit if there was imminent danger without delay. She advised she would like a mechanism when the permit was issued to trigger a payment requirement, but it would not be delayed by having to go to a review process of a Board.

Discussion ensued regarding property rights and costs associated with permitting and mitigating trees

Commissioner Samuels asked why alternative energy was removed in the code language and requested to put the language back in.

Ms. Haga advised that she would put the language back in.

Mayor O'Brien agreed with Commissioner Samuels regarding the alternative energy language. He advised that he was concerned about Item 11 being removed and would like to see it put back in.

Ms. Haga advised that if that language was included, the property owner would still need to mitigate.

Mayor O'Brien advised that he did not feel that a palm tree should be mitigated.

Vice Mayor George advised that a member of the audience asked if Mayor O'Brien could open the Public Comment section for the items discussed.

Commissioner England advised that there would have to have a compromise on the mitigation language.

Commissioner Samuels requested that on page 72 under Fees, she would like it specified that the money would go to the Tree Bank and what the requirements were.

Ms. Haga advised that she would include language for the tree bank.

Mayor O'Brien opened the Public Comment section for the items that have been discussed. The following addressed the Commission:

Andy Davies, 819 Kalli Creek Ln., thanked staff for all they have done. He advised that the trees were beautiful, but felt that more regulations would take property owners' rights away. He commented that people could purchase a home anywhere. He explained that he encourages new development and new homes and believed in property rights.

Sandra Krempasky, 7 C St., explained that having tree permits would keep track of what was being removed. She advised that cutting down trees could cause damage if the property owner was not careful.

Ed Slavin, P.O. Box 3084, advised that the City needs a live data base. He asked the question whether the Charter should be amended again. He advised that mangroves should be protected and they were in St. Johns County. He commented that destroying wetlands was wrong and violators should be fined and prosecuted.

Gail Devries, 200 4th St., advised that this new proposed language comes very close to infringing on property rights. She advised that if this goes into effect, people should be told before they purchase a home so they could decide whether they want to live here with all the restrictions.

Robert Kahler, 29 Sunfish Dr., advised that he agreed with Ms. Devries and would sue if they told him he could not remove a tree.

Mayor O'Brien recessed the meeting at 7:50 p.m. and reconvened the meeting at 8:03 p.m.

Ms. Haga advised that she would like to discuss parking sizes for hotels and accessory uses such as restaurants, banquet rooms, conference rooms, etc. She advised that the language should be an automatic component when calculating parking. She advised that she would like a discussion regarding the language on page 124. She asked for direction on definitions of an accessory use and calculations on the parking per seat or unit.

Mayor O'Brien advised that he researched the information for the parking ordinance seven or ten years ago and found that 1.5 spaces per unit would be adequate. He explained that two spaces per unit be over parking. He commented that parking should be at 1.5 per unit, but for any additional spaces such as restaurants, banquet rooms, etc., another formula should be used. He suggested giving credit to hotels where people would be staying. He commented that the Building Official should not be burdened with the determination of the accessory use parking.

Discussion ensued regarding how to calculate the formula for accessory uses; whether to use the square footage of the building or the amount of seats when applicable; crediting space for hotels that have conference rooms; using the Fire Marshal's occupancy rate as a benchmark for seats; having a formula for bed and breakfasts and transient rental parking as it pertains to the lot size; stopping people who rent transient units from parking in the right-of-ways; having the owners of existing transient units come into compliance when the annual inspections are done; having code language prohibiting parking in alleyways;

transient units throughout the City reaching 70 to 75; whether a u-shaped driveway would be considered two access points to the property; and interrupting the flow of traffic having two access points on a 50 foot lot.

Ms. Haga advised that on page 125 was a method on what to do if there was an unlisted use. She suggested having an administrative review and if more was needed, then send it to the Planning and Zoning Board. She advised that the code needs to be clearer than what was written currently.

Mayor O'Brien gave the Kookaburra restaurant as an example of an in-between category for parking, which needed to be addressed. He explained that the Kookaburra was named as a retail store because they didn't make their food on the premises, so the parking was a problem.

Ms. Haga advised that she would be able to define takeout restaurant categories. She commented that a takeout restaurant would have a need for more parking than a clothing or shoe store.

Commissioner Samuels asked about the codes on page 147 regarding occupancy permit. She advised that a special license must be obtained and City Manager Royle does not have that license.

Building Official Larson advised that he was the only one in the City licensed to give the occupancy permit by the State of Florida. He explained that he follows the Fire Marshal and would refer to his calculations.

Ms. Haga asked what the Building Official would do if an owner wanted to appeal.

Building Official Larson advised that they would go to the St. Johns County Fire Marshal and then to the Board of Adjustment.

Ms. Haga advised that she would look into that code.

Mr. Thomson asked if they could separate the tree ordinance and adopt it right away and then complete the full code language.

Ms. Haga advised no, because the language for the tree ordinance would be throughout the code. She advised that she has added another workshop for the Planning and Zoning Board and then there would be another joint workshop either on June 29th or June 30th. She commented that the final workshop would be July 28th. She advised that these meetings would take some time to go over all the codes and suggested that the meetings start earlier the afternoon.

Commissioner England advised that she would like code language written for the parking areas on A1A Beach Boulevard. She commented that she would like landscaping to hide the cars.

V. PUBLIC COMMENT

Mayor O'Brien opened the Public Comments section. Being none, Mayor O'Brien moved to Item VI of the agenda.

VI. SELECTION OF DATE FOR REVIEW OF FINAL REPORT

Mayor O'Brien asked the Commission when they would be available for the final report.

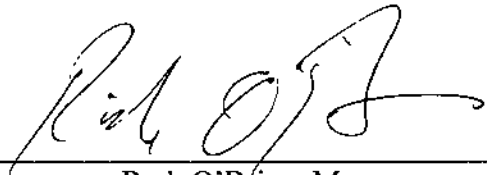
After discussion, it was decided to have the Planning and Zoning Board meeting on June 21st and the joint workshops on June 30th and July 28th at 5:00 p.m.

VII. ADJOURNMENT

Mayor O'Brien asked for a motion to adjourn.

Motion: to adjourn. **Moved by** Commissioner George, **Seconded by** Mayor O'Brien. Motion passed unanimously.

Mayor O'Brien adjourned the meeting at 8:47 p m



Rich O'Brien, Mayor

ATTEST:



City Clerk

Workshop #2

Interim Ordinance Report

City of St. Augustine Beach
Planning Services
Email: cosabcode@nefrc.org



May 26, 2016

5:01pm Welcome, Mayor O'Brien

5:05pm Introduction & update, Brian Teeple, NEFRC

5:10pm Presentation of Interim ordinance report, Lindsay Haga, ETM

- Technical changes (Articles 1, 3, &10)

Q/A

- Topical changes (height, tree preservation, landscaping, & parking)

Q/A

7:00pm Break

7:15pm Recap, questions/answers & future changes

7:30pm Next steps & public hearing dates

UPDATE

- Interim ordinance report – May 6th
- Proposes changes to 7 of 12 articles
- Represents foundational changes
- Series of “one on ones” with city officials & staff in preparation

GROUND RULES

- Turn off the noise – cell phone, laptops, tablets, etc.
- Be respectful of each other – don’t interrupt or monopolize the conversation
- Respect ideas and opinions - there are no bad ideas
- One conversation – one speaker at a time
- Be an active listener – pay close attention to what is being
- Be additive – not repetitive
- Public participation/opinion is important – at the appropriate time

Article 1

Topic: General Provisions

Recommendation: Modify to reference highest ranking position in city staff.

Key points: standard practice which enables the City Manager/Administrator to designate the most appropriate staff for issue resolution, decision authority, etc.

Article 3 Land Use

Topic: Type, Density, Intensity

Recommendation: Modify to add in schools as permitted uses in all zone districts and restrict commercial in residential districts.

Key points: Comprehensive Plan policies L.1.2.7 & L.1.3.2, Future Land Use Element

Article 10

Topic: Hardship relief

Recommendation: Modify to introduce new administrative interpretation process

Key points: mechanism to elevate transparency in decision making when standards are not expressively articulated (i.e. permitting an unlisted use such as nail salon, determining parking standards)

Article 2, 6

Topic: Building Height

Recommendation: modify to include specific language from the charter

Key points: Adopted by charter, language modification is not provided. Illustrative drawings should be added in to further clarify charter language.

Article 2, 5, 6

Topic: Tree Preservation

Recommendation: modify Article 2 definitions to include Coastal Hammock, Alternative Porous Paving, Impervious Surface, Impervious Surface Areas, Impervious Surface Ratio. Carry forward definitions to Article 5 and 6.

Key points: Simplify application of fee schedule based on per inch, introduce canopy retention standard and make clearer site plan requirements including mitigation for all Development.

Article 6, Section 6.06.00

Topic: Landscaping

Recommendation: modify to address screening between uses, modernize the plant material characteristics for functional improvements, introduce a professional standard for site submittal and include a hedgerow between uses.

Key points: Addresses screening policy in the comprehensive plan and improves functionality and maintenance.

Article 6, Section 6.03.02

Topic: Parking

Recommendation: modified to increase the number of spaces per hotel unit and specifically reference additional spaces necessary for accessory uses (restaurant, auditorium)

Key points: Provides additional review standards in making determinations based on the unique characteristics of the site and surrounding area.



England-Thim & Miller, Inc.
VISION • EXPERIENCE • RESULTS

BREAK

Any additional questions/comments from interim ordinance articles?

Future changes

Any edits determined tonight

Article 4 concurrency

Article 7 Supplementary Uses (i.e. architectural standards)

Article 8 Signage (City Attorney)

Article 12 Administration and Enforcement

Next workshop dates

PZA June 21, 2016

Workshop #3 June 29th or 30th (ADD ON) time to be determined

Final workshop #4 July 28th time to be determined

Thank you!

May 25, 2016

To City Commissioners:

I regret I will not be in attendance at the May 26 workshop. I have long-standing personal plans involving out of country travel that could not be easily changed.

I have read the interim report covering proposed changes to Land Development Code, met with Mr. Teeple and held numerous discussions on these issues with city staff. A review of the Land Development Regulations is timely to ensure consistency with the comprehensive plan and to respond to community issues.

Here are some comments about the review process and related concerns:

In the midst of evolving change it is important to retain special features of our city while moving forward in a planned, thoughtful manner. In my view, there are three strategic priorities that must be maintained:

- *Assure beach restoration and re-nourishment (e.g. 2012 beach re-nourishment initiative with future restorations every 5 to 7 years)*
- *Acquire, develop and maintain parks and green space for future generations (e.g. purchase of Ocean Hammock Park property)*
- *Maintain 35' height limit per city charter*

In reviewing the interim report covering several but not all of the city's land development regulations, I have two areas of principal concern:

- *Trees – Section 5.0 – 5.01.07*

The city thoughtfully examined its tree policy in 2011 and, after more than 6 months of study including holding a special public workshop, examination of best practices and inputs from citizens and outside experts including arborist C. Lippi, adopted its current tree policy. This policy has generally worked well in providing an efficient and effective way of governing tree removals and related issues.

What has changed since 2011 requiring such draconian like changes to the tree policy?
What is the catalyst behind the suggested changes?

In my view, the proposed modifications are unnecessary, add administrative burden and cost and generally are examples of excessive government regulations and overreach.

Exhibit 2

As example, in the tree removal permit process as suggested, it is required that in every case a Florida Licensed Landscape Architect (FLLA) or an ISA certified arborist be used to document state of the tree used to justify its removal. This suggested provision adds excessive time and cost to the process. The city's building and code official can make decisions about tree removals and, when and where necessary, can engage an arborist for advice.

Other provisions of the recommended tree removal process are also onerous. For example, requesting an FLLA to opine about tree interference with building foundations goes beyond the FLLA's area of expertise and is a violation of state law which requires the city building official to make structural evaluations.

Another suggested provision involved proposed fines for removal of trees damaged by acts of God (e.g. lightening). Fines should not be assessed for trees that must be removed because of lightening and other acts of God, disease, death or the development of property for a house.

The existing tree policy is consistent with best practice, was carefully developed with expert inputs and has served the city well. It should be retained. The proposed changes are examples of excessive government regulation and overreach. I do not support adoption of the recommended modifications.

- *Building Height Limit – Section 6.01.04*

It is critical to limit building height to 35' per city charter except in isolated, extreme situations where exceptions might be justified. An exception example is where a building is being constructed in a velocity zone or area where it could be damaged by waves or storms. The question we have been grappling with is where is the starting point. After careful consideration, I conclude that building height should be measured from the finished floor provided, however, that in no instance should maximum height exceed 45'. This approach assures general conformity to height limit per charter while allowing isolated exceptions in velocity zone areas. This suggestion is similar to provisions adopted by Sanibel Island and Captiva Island.

I look forward to our continuing discussions of the Land Development Regulation Code.

S. Gary Snodgrass