

Planning and Zoning Board Meeting

July 1, 2024

Agenda and Video of the meeting can be found [here](#).

Present: Thomas Bien, Jon Hall, John Frankhouser, Stephen Yates, Larry Wheatcraft, Curtis Hodges, Kip Hulvershorn. The minutes of the May 6, 2024 and June 3, 2024 meetings were approved **unanimously, with a correction to the June 3 meeting.**

Changes to agenda: Item 5C was withdrawn by the applicant.

PUBLIC PARTICIPATION

A resident of Dora Street asked why zoning on the street had been changed to B3 and stated that a fence had been erected by a neighbor was too close to her house. She was encouraged to speak with City staff for assistance.

NEW BUSINESS

V-9-24: Review a variance request to allow a pool deck to encroach into a wetland buffer at 2545 Paige Avenue. The applicant requests a 10 ft. variance, so there will be a 15 ft. buffer rather than 25 ft. The plans have already been modified to minimize the encroachment. Moving the deck further would require the loss of several large trees. City staff recommended approval of the request but would like to see silt fencing during construction. **A motion to approve V-9-24 was passed unanimously with conditions to erect a silt fence and add a swale.**

Z-1-24: Review a request and provide a recommendation to the City Commission, for a rezoning from B-2 to B-4, Ocean Commercial on a vacant property located at the southwest corner of East 7th Avenue and South Atlantic Avenue. The applicant plans to construct two single family homes on the .34+/- acre site. Single family residences are now permitted in B-4. The lot meets the requirement for two houses on the site. The applicant pointed out that this would be a less intrusive use of the property than is currently possible. Staff recommended approval.

Public Participation: Three residents spoke in opposition to the request. Concern was expressed that once the property was rezoned, the property could be used for other purposes which would be detrimental to the area. They suggested that the owner request a “down zone.”

Discussion: City staff pointed out that a garage can be a special exception in both B-2 and B-4 zones. This property cannot be rezoned to single family as that would be “spot zoning.” The small size of the lot limits what can be done. Atty Storch, representing the applicant, asked if submitting an application for a minor subdivision prior to the Commission meeting in a show of good faith would mitigate people’s concerns. Board members agreed. **A motion to approve Z-1-24 was passed unanimously with condition that the applicant submit an application for a minor subdivision prior to the City Commission meeting where the final approval must be granted.**

V-4-24: Review a variance request of 4' 6" to allow a shed to remain 6" from the rear property line at 518 N. Riverside Drive. The 20 ft. X 9ft. 6 in. shed was erected without permits in 2020; this is an after-the-fact request. It is a code compliance issue. The lot is long and narrow, and a variance was granted in 2005 for side setbacks to 6 ft. as there was no other place to put the shed. The owners stated that they

assumed that the shed company had gotten all the required permissions and claimed that there have been no problems with neighbors. However, the owner of the rear abutting property has now complained that water comes off the shed roof onto their property. **A motion to approve V-4-24 was denied unanimously.**

COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Chair Wheatcraft stated that he would attend the City Commission meeting and make a statement during the public participation section regarding the Deering Park Innovation Center, when scheduled.

REPORTS AND COMMUNICATION BY THE STAFF

Land Development Regulations Section 604.04 Landscaping Requirements Amendments: Mr. James Hartsfield from DHB Consulting made the presentation. VHB was hired by the city in July 2022 to assist with updating the landscaping codes. The consultant compared NSB's regulations with that of three other cities. A preliminary report was delivered in September 2022. The project was on a hiatus because of the hurricanes and restarted in May 2023. Following several revisions, the current draft was submitted to the city in May 2024. A major focus of the update has been to consolidate all the information into one section that is easily accessed. Another goal has been to create more realistic penalties. Key additions and modifications include:

- A new section on intent and applicability to guide decision-making for reviewers and clearly identify who is subject to the landscaping requirements
- Some new and additional requirements to the "General Requirements" section have been added. The section now includes
 - What is on a landscape plan and who reviews it
 - Landscape materials standards
 - Maintenance requirements
 - Minimum standards
 - Specific uses
- A new section on landscape buffers including charts for clarity
- The tree preservation section is mostly unchanged. However, there were changes for the calculation of replacement trees, using DBH (diameter at breast height) as well as related fees as well as more realistic penalties are proposed. The new fee schedule is approximately 80% less than current fees, but a simpler calculation.

Discussion: Chair Wheatley asked which cities were used for comparison. They were Cocoa Beach, Ormond Beach, and Fernandina Beach. He also asked how the proposed penalties compare to other cities. Mr. Hartsfield was not sure; they looked at Orlando's code as a model. Member Hulvershorn stated that we should encourage Florida friendly ground covers; however, these take time to fill in and covering the ground as soon as possible is often required. He also stated that drip irrigation rather than sprinklers should be encouraged. Chair Wheatley would like to consider changing the minimum required trees for residential lots from one tree per 2500 sq. ft. to one tree per 1500 sq. ft. as it is in Edgewater. Staff will now make final revisions to the draft, and it will come back to the P&Z, then the City Commission for hearing and final approval.