

CITY COMMISSION WORKSHOP
June 20, 2024
Video and Agenda Packet can be found [here](#).

Present: Commissioners Martin, McGuirk, Hartman, Vice Mayor Perrine, and Mayor Cleveland were all present.

PUBLIC PARTICIPATION

One resident spoke urging the Commission not to make changes to zoning regulations too quickly for new developments, such as Deering Park. She noted that the county approved the purchase of conservation lands with Florida Forever funds and suggested that the city use all resources available to do so as well, including strongly encouraging annexations to increase the revenue stream. She stated that fixing Rt. 44 should be a priority prior to making changes in zoning restrictions.

WORKSHOP

City Manager Resheidat reminded everyone that this meeting was a quarterly workshop with topics based on the Strategic Plan. There is no voting; the purpose is to get feedback from the Commission, so they can move forward for final adoption. (The original LDR text with strikes, revised text, and additional information can be found in the Agenda Packet.)

Land Development Regulation (LDR) Section 604.01 - Stormwater Management and Drainage Amendments

Background: In 2022, Parker Mynchenberg & Associates, Inc. was hired by the city to perform a comprehensive review and update of the Stormwater Management and Drainage standards in the City's Land Development Regulations (LDR). A first draft was submitted by the consultant in April 2023 for staff review and comments. A final draft was submitted in January 2024. City staff provided additional design standards. Mr. Tuan Huynh, senior city engineer and Mr. Kevin Lee, engineer from the consulting firm presented findings and recommendations to the Commission.

Summary of key proposed changes:

- Stormwater/drainage definitions to explain engineering terminology were added to make the regulations more readable by lay persons.
- The current LDR does not provide rainfall precipitation to use in design. Rainfall amounts will be provided in the revision.
- Closed basin (landlocked) criteria will be added.
- The current LDR allow post-development to discharge 10% more than the pre-development rate and volume leaving the site for a 25-year storm of 24 hours duration. The update proposes to limit peak discharge and total runoff to 100% of pre-development.
- A table summarizing storm events and peak discharges will be added.
- A table to provide minimum freeboard requirements in ponds and drainage systems for an increased safety factor will be added. The current LDR does not specify this. Freeboard is the vertical distance between the Design High Water (DHW) or Hydraulic Grade Line (HGL) elevation to the pond top of berm or edge of pavement grade, to provide a safety factor. See slide #8 in the power point presentation.
- Additional tables are proposed to specify requirements and standards, including the following:
 - Berm requirements

- Pond and open drainage slope requirements
- Tailwater for design: this is an important engineering design assumption which can impact the stormwater pond discharge rate and volume leaving the site (see slide #10)
- Roadway and street drainage design standards
- Inlets and storm sewer design standards
- Open drainage conveyance systems requirements
- Added requirements for best management practices and stormwater pollution and prevention
- Residential lot grading plan (infill and plot plan).
- Criteria for single family infill lots need to be clarified. Typical standards require the first 1 ½ inches of precipitation to be captured on site. If the property is more than 2500 square feet of impervious, a full stormwater design is recommended.

Highlights of the Commission Discussion

- Mayor Cleveland noted that the NOAA chart data have a 90% confidence interval; this seems low. It was also noted that the data is old. City Manager Resheidat replied that we need to follow the State regs; we cannot use our own numbers. However, we can add safety margins, such as the proposed freeboard requirements.
- Vice Mayor Perrine asked about timing of the revisions and impact on projects already in the pipeline. Mr. Resheidat responded that if a project has already submitted site plans, the current regulations would apply. Ms. Perrine would like more data on the impact of the proposed changes. She would like information on what other towns are doing.
- Commissioner Martin questioned how we will measure success. She also expressed concern about protecting neighboring properties when new homes are built on higher ground. Mr. Resheidat said city staff will review the 1 ½ inch retention requirement for residential properties.
- Commissioner McGuirk noted that there are pros and cons to everything. FEMA’s long-term goal is to get homes raised, but that presents financial problems and issues in older and historic areas.
- Commissioner Hartman complemented Staff for adding definitions.

LDR Section 604.04 – Landscaping Requirements and Amendments

Background: In July 2022, VHB Consulting was hired to review and amend this section. They first looked at the existing standards in the Code and then at other community beachside standards before making any revisions. Due to the hurricanes in the fall, the project had to stop and restart in April 2023, with their revisions and suggestions finally being shared this year.

Mr. James Heartfield, Community Planner, from VHB gave the [presentation](#), stating they had four goals in mind in tackling this project:

- Consolidate all landscaping codes into one section, so they are not all over the place.
- Streamline Best Practices emphasizing maintenance and operation regulations.
- Provide illustrations for clarity (show, don’t just tell).
- Revise payment and penalty sections.

Summary of key proposed changes and additions are found below:

- Added an intent and applicability section to clarify the code.
- Added general requirements to help with the following:

- Tree selection and its maintenance.
- Landscape planning that would include minimum requirements, the standards for landscaping materials, and references to Florida-friendly vegetation instead of specific lists since they were always getting updated.
- The minimum number of trees per residential lot (1 tree per every 2500SF but may want to increase this) with illustrations.
- Changed buffer standards with some being the following:
 - Clarified the minimum standards.
 - Streamlined planning requirements to give a flat number of linear feet needed in the buffer.
 - Developed a matrix of buffer widths which vary per zone.
- Changed tree removal and penalties to include the following:
 - For tree removal, the diameter of the tree will now be done using a diameter breast calculation as opposed to a cross-height sectional one which is easier and quicker to do.
 - Violations and penalties have been recalculated, one being removal of a 10' diameter tree improperly=\$1000, but Mr. Heartfield suggested we look at other communities before we decide. (Note: He talked about the frustration with beachside as residents are not in conformance with planting requirements which affects stormwater/erosion and needs to be addressed.)
- Crosswalk mapping was done to find sections of the Code quicker, and language was changed/visuals added to make it easier to understand.

Highlights of the Commission Discussion

- Commissioner McGuirk was concerned that residents often cannot afford to remove the trees necessary for what they want to build but developers can. He also commented that one law doesn't work in every situation, so common sense must come into play and especially dealing with both old and new areas of NSB. Ms. Doster replied that this is why we just have minimum standards, adding that residential and commercial are different in both trees and buffering. Mr. Heartfield added that the Code will have an applicability section.
- VM Perrine felt that the City and the County need to be on the same page regarding the replanting and maintenance of trees and septic and sewer especially if there is an annexation. She also asked about the debacle of Coastal Woods and Shell Pointe regarding getting rid of all the trees, to which Mr. Heartfield replied we can't prohibit clear-cutting but can incentivize to keep good trees which this Code seeks to address. Ms. Doster added that Coastal Woods did a cluster development with 50% of the land for conservation, but it cannot be readily seen. She stated if Deering Park is a cluster development, it must be in the PUD and the City will need to educate the public regarding it.
- Commissioner Martin asked what our intent/goal was regarding trees, shade, water retention, beauty, and both she and Commissioner McGuirk felt that should be known: Ms. Doster responded that NSB is known for its tree canopies; she added that the Code does say what the intent is.
- Mayor Cleveland reiterated that NSB is known for its trees, and we need to be good stewards of them. He added that we need to make sure common-sense dictates tree replantation as well as closing any loopholes in the Code's criteria and try to compensate for State regulations that preclude ours.

LDR Section 504.02 – PUD, Planned Unit Development

Background: Staff was directed by the previous City Commission to review and update the PUD zoning regulations making them more stringent. The City Commission was to offer their input and direction on recommended changes, moving approval forward.

Planning Manager Stephanie Doster began by explaining the parts of a PUD:

- PUD zoning which creates the baseline for the development per LDR
- MDA (Master Development Agreement) which is the contract between the developer and the City that will show all aspects of the project.

She explained that the purpose of a PUD is to provide for more flexible development that integrates commercial and residential. There are nine major criteria that must be fulfilled by the developer and 12 sub sections which may be different depending upon where in the City the project is located. These tie-in to the stormwater and landscaping Codes. There are also supplementary regulations like utilities and retail they must follow. Also the PUD process consists of a Pre-Application meeting, Staff review of application with required criteria, and approval by the City Commission.

Highlights of the Commission Discussion

- Commissioner Martin commended the new expiration date change but felt like PUDs were the easy way to overcome our LDRs and variance applications. The City Attorney responded that this was the better way to get what we want the developer to do, plus it is a long process.
- VM Perrine asked about the future of Advent Hospital (Former Bert Fish) when the new hospital is built as it is prime for a PUD and she had heard the building is obsolete. Assistant CM Ron Neibert responded that the City has had preliminary meetings with Advent and the taxing district to work together on the redevelopment of the property as a Multi-Use (MU) project. She also wants to conquer landscaping project maintenance as the Commissioners receive feedback from residents about it.
- Commissioner McGuirk felt that PUDs are beneficial as the city has input, especially in old, underlying zoning areas. He feels that ingress and egress areas of PUDs need to be addressed. Walmart's is terrible, as an example. He also feels that required maintenance of the landscaping should be addressed.
- Mayor Cleveland asked if there was a "trigger" of sorts that Staff has regarding new developments/projects, so we are not "overtaxed" in providing needed services. He said he was worried about both Staff not having enough time to do what they need to and residents not getting what they were promised i.e. Venetian Bay. CM Resheidat said that they are trying do better with post development maintenance, for instance, they now call HOAs to remind them about maintaining their stormwater systems before a storm arrives. Regarding what was promised and what residents got is a difficult issue as Concept Plans change when the reality of building sets in, but a specific motion that would include any changes discussed for a PUD would be beneficial.

CM Resheidat thanked Staff for their hard work and the Commission for their feedback and will arrange another workshop if needed. He ended with "at the end of the day, I think it's the city we are trying to protect and save..."