

MEETING DATE
January 23, 2017
Subject: Florida Building Code Change to Prohibit Wood-frame Construction



AGENDA REPORT

AGENDA
Section: Discussion
Item #: 1

Department/Office: Community Development

Requested Action or Motion: Provide direction to the City's lobbyist to speak to the Florida League of Cities to achieve a consensus among other cities to pursue legislative authority to change the Florida Building Code to prohibit wood-frame construction for new buildings, with the exception of single-family detached homes.

Summary Explanation & Background:
 Given that local governments do not have the authority to make local amendments to the Florida Building Code to address materials, the Planning and Zoning Commission, at their meeting of January 5, 2017, adopted a motion by a vote of 3-2, to request that the City Council direct the City's lobbyist to speak to the Florida League of Cities to obtain a consensus to pursue legislation to prohibit wood-frame construction for new buildings, with the exception of single-family detached homes.
 A copy of the Draft January 5, 2017 meeting minutes is attached for reference, as well as a verbatim excerpt.

Fiscal Impact:
 N/A

Exhibits: Wood frame Verbatim (DOCX) Draft Updated P Z 2017 JAN 5 (DOC)	Contact Person: Dick Wells, Community Development Director Phone #: 407-539-6211
Commission/Board: Planning and Zoning Commission	
Reviewed by City Attorney ___ Yes <u>X</u> N/A	

Wood-Frame Construction Verbatim

Blanchard: Since the last P & Z meeting that you had there was additional information about the wood construction vs concrete construction. And, I believe it's state law, was determined that state law does not allow the local government to modify the materials list. So, the last time that it was explained to you in the memo that was provided, it said "local government could propose an amendment to their code if ratified by the state but not relating to materials list." So, we didn't want that motion to go to the City Council, we wanted you to reconsider how you framed your motion to go to City Council

Kalmanson: With that, I make a motion to amend, that we delete that portion of their request to City Council and our request to the City Council remain that we have our lobbyist contact the Florida League of City or whoever he deems appropriate, in order to make a determination if we can find a consensus of some group to go to the Florida Legislature and request a change for legislative authority.

Hattaway: Do we have a second?

Dabby: I second

Hattaway: Do we have any further discussion?

Hattaway: Sara, would you take the roll?

Blanchard: Mr. Wilde?

Wilde: Aye

Blanchard: Mr. Guthrie?

Guthrie: Can I abstain from that?

Blanchard: No

Guthrie: I don't know nothing about it.

Guthrie: Nay

Blanchard: Mr. Kalmanson?

Kalmanson: Aye

Blanchard: Mr. Dabby?

Dabby: Aye

Blanchard: Chairperson Hattaway?

Hattaway: Nay

Blanchard: So the motion passed 3 to 2.

**MINUTES OF THE PLANNING AND ZONING COMMISSION
ALSO SITTING AS THE LOCAL PLANNING AGENCY AND
THE LAND DEVELOPMENT REGULATION COMMISSION**

The regular meeting of the City of Maitland Planning and Zoning Commission, also sitting as the Local Planning Agency and the Land Development Regulation Commission, was called to order at 6:30 p.m. on Thursday, January 5, 2017, in the City Hall Council Chambers.

Members present were Michael Dabby, Vance Guthrie, Barry Kalmanson, Michael Wilde and Chairperson, Kathy Hattaway. City staff members present was Sara Blanchard, Chief Planner, Harris Berns-Cadle, Planner III Rick Lemke, Public Works Director and Mark Reggentin, Assistant City Manager. Also present was Drew Smith, Assistant City Attorney.

Approval of Minutes - December 15, 2016

Mr. Dabby made a motion to approve the minutes of December 15, 2016 with the following changes:

- *On the 2nd page, in Mr. Dabby's comments change the sentence to read, "Mr. Dabby inquired if the southerly extension of Independence Lane has to provide public right-of-way for vehicles"*

Mr. Kalmanson, seconded the motion.

Ms. Blanchard called the roll.

Mr. Dabby, aye; Mr. Guthrie, aye; Mr. Kalmanson, aye; Mr. Wilde, aye; and Chairperson Hattaway, aye.

The motion passed.

Public Period for non-agenda items (up to 15 minutes with time limit of three minutes per person)

Chairperson Hattaway opened the Public Period. There being no one who wished to speak, the Public Period was closed.

Public Hearing: Petition No. 2016-06 (SPR), 1751 N. Park Avenue

Mr. Berns-Cadle stated that the applicants, Greg Roebuck and Aagaard Juergensen, request a review of a proposal to add 2,045 square feet to an existing 2,400 square foot office building. Expansion of the building includes waiver requests from the land development code.

The applicant, Cas Suvongse, SK Consortium, Inc. was present for this item. He gave an overview of the request and answered questions posed by the Commission.

Mr. Kalmanson questioned the applicant and stated his concern for not meeting streetscape requirements and for the lack of parking.

Mr. Dabby stated that this is a challenged site and would like to make it the best possible without undue hardship. He expressed his concerns for parking, utility undergrounding, landscape, visibility on the street and sidewalks, as well as adherence to the height requirements. He believes the applicant is asking for too much in comparison to the benefits the City would receive and it would not adhere to the vision of the DMZD. He stated that there are too many things that cannot be met.

Mr. Guthrie expressed his concern with the lack of parking, lack of sidewalks, underground power lines, and streetscape. He stated that he does not support a zero lot line setback adjacent to the railroad right-of-way. He also expressed concern with the retention pond.

Mr. Wilde expressed his concern with the number and functionality of the parking, and wanted the DRC to examine the streetscape and sidewalk areas as well to attain as much compliance as possible to enhance the site.

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The direction to the DRC included the following:

- Review the parking for adequate numbers and functionality
- Review on-street parking as to whether it should be allowed in the proposed location.
- Address streetscape, including sidewalks, to examine solutions to reach compliance to the extent possible while enhancing the area.
- Examine the waivers requested for adherence to building height requirements.
- Examine retention to ensure that it is adequate for the site.
- Address undergrounding of power lines and is it required in conjunction with this project.
- Examine the zero lot line requested adjacent to the railroad lines in conjunction with waiver requested.

Decision: Petition No. 2016-07 (SPR), Lift Station 1, 2230 Tuscarora Trail.

Mr. Berns-Cadle stated that the applicant, the City of Maitland, requests review of a proposal to install a lift station pursuant to Section 21-20, Floating Zone for Public/Semi-Public Uses.

Ms. Blanchard and Mr. Lemke gave an overview of the request and answered questions posed by the Commission.

Chairperson Hattaway opened the item for public comment. There being no one who wished to speak, the public comment period was closed.

Ms. Hattaway would have like to have had a site plan to view.

Mr. Kalmanson made a motion to approve Petition 2016-07 (SPR) subject to DRC comments.

Mr. Dabby seconded the motion.

Ms. Blanchard called the roll.

Mr. Dabby, aye; Mr. Guthrie, nay; Mr. Kalmanson, aye; Mr. Wilde, aye; and Chairperson Hattaway, nay.

Motion passed.

Election of Chairman and Vice Chairman

Mr. Kalmanson nominated Mr. Michael Wilde for Chairperson. Ms. Hattaway seconded the nomination and Mr. Guthrie provided the third. Mr. Michael Wilde was elected as the new Chairperson

Mr. Kalmanson nominated Mr. Michael Dabby for Vice-Chairperson. Mr. Guthrie seconded the nomination and Ms. Hattaway provided the third. Mr. Michael Dabby was elected as the new Vice-Chairperson

Review of Action by City Council on Prior Items

Ms. Blanchard stated there has been no Council meetings since the last P & Z meeting.

Other Business the Commission Deems Advisable

Wood-Frame Construction

Ms. Blanchard stated that there has been additional information ascertained regarding wood construction vs concrete. She indicated that State law does not allow the local government to modify the materials list through a local building code amendment. Therefore Ms. Blanchard requested that the Commission reconsider the motion that they had made at a previous meeting in light of the new information.

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Mr. Kalmanson made a motion to amend their previous motion, deleting that portion of their request to City Council and to keep the portion requesting that the City's lobbyist speak to the Florida League of Cities and try to get a consensus among other cities to pursue legislative authority.

The final motion from P & Z would be: (To request direction from the City Council to pursue by legislative lobbying, the issue of wood-frame construction for anything but single-family residential detached.)

Mr. Dabby seconded the motion.

Ms. Blanchard called the roll.

Mr. Dabby, aye; Mr. Guthrie, nay; Mr. Kalmanson, aye; Mr. Wilde, aye; and Chairperson Hattaway, nay.

Motion passed.

Enzian

Mr. Kalmanson requested an update on the request from the Enzian Theatre. He expressed his concern with the current parking issues.

Ms. Blanchard responded with a general status update and stated that ey have been told they have to start over with the public hearing process since it has taken so long to work through issues of designs and parking.

Resignation of Commissioner

Ms. Hattaway stated that she will be resigning from the P& Z Commission effective today. She stated that she objects to the way that applicants are treated by the Commission and believes the Commission is lacking civil discourse, respect and courtesy.

Adjournment

The meeting was adjourned at 8:01 p.m.

Michael Wilde, Chairperson

Attest: _____ Date _____

Attachment: Draft Updated P Z 2017 JAN 5 (1180 : Wood-frame Construction Prohibition)