

Jay G. Foy, Mayor
Lawrence Gordon, Vice Mayor
Mark C. Uptegraph, Council Member
Remar M. Harvin, Council Member
Daniel H. Sohn, Council Member
Janice C. Rutan, Town Administrator
John Fenn Foster, Town Attorney



**Town Council
Workshop
Town Hall Council Chambers
4585 Charlotte Street
Haverhill
MONDAY, December 2, 2019**

NOON

AGENDA

- I. Call to Order
- II. Presentations/Proclamations
 - a. Presentation by Joe Mercurio re: LMS 2020 Program and Resolution
- III. Council, Attorney and Staff Reports
- IV. New Business
- V. CODE and ORDINANCE
- VI. Adjournment

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN OF HAVERHILL
Town Council Workshop
December 2, 2019
Town Hall – 4585 Charlotte Street**

OFFICIAL MINUTES

Pursuant to the foregoing notice, a Haverhill Town Council Workshop was held on Monday, December 2, 2019 at Town Hall, 4585 Charlotte Street, Haverhill. Those present were Mayor Jay Foy; Vice Mayor Lawrence Gordon; Council Member Mark Uptegraph; Council Member Daniel Sohn; Town Attorney John Foster; Town Administrator Janice Rutan; Deputy Town Clerk Jean Wible; Town Code Enforcement Officer/Public Works Michael L. Jordan and Town Planner Josh Nichols

I. CALL TO ORDER

Meeting was called to order at 12:03 p.m.

II. PRESENTATIONS / PROCLAMATIONS

Presentation by Joe Mercurio re: LMS 2020 Program and Resolution:

Introduction of Bill Johnson, Emergency Management Director and Joe Mercurio, Towns LMS (Local Mitigation Strategy) Coordinator.

Town Administrator Janice Rutan explained that at the last Town Council meeting, on the agenda was the approval of the 2020 LMS (Local Mitigation Strategy) Resolution. Which was a mandatory adoption and Town Council had quite a few questions. T/A stated since the Town had not been participating actively with the LMS, staff was unable to answer those questions. T/A Rutan extended an invitation to attend today's Town Council Workshop to Bill Johnson and Joe Mercurio, to make a presentation to Town Council.

Mr. Mercurio stated the Local Mitigation Strategy is your basic all encompassing all hazards type document that basically sets forth the methodology, procedures and policies of which allows for flooding mitigation, hazards, technological human cause, etc. It is a huge book and is available to the Town for record. He stated it also sets forth prioritization for funding opportunities that would either come down from the State and from FEMA. A methodology by which they set forth any type of those funding procedures which was called a prioritized project list or PPL. **Presentation and discussion ensued.**

III. COUNCIL, ATTORNEY AND STAFF REPORTS

- a. N/A

IV. NEW BUSINESS

- a. N/A

V. CODE AND ORDINANCE:

- a. Town Attorney John Foster stated that back when Barry Trombley was here, there was some discussion at a Code and Ordinance meeting about the defining of curbside. At that time, Mr. Trombley offered a definition. Town Attorney Foster has set forth here but he is not fully there yet with this definition but wanted to run by Town Council:

Sec. 30-1. – Definitions:

Curbside: means the edge of the roadway, whether paved or not, and the swale in front of the house. Properties that have frontage along two streets, must use the front of the house for collection, except that properties on a corner lot may choose to place garden and yard trash on the secondary street side rather than the front for collection.

Sec. 30-49. - Garden and yard trash: Tree branches shall not exceed four feet in length. Garden and yard trash shall be bundled and organized neatly, or placed in containers which are susceptible to normal loading and collection as other residential solid waste. No bundle or filled container shall exceed 50 pounds in weight, and shall not be placed in road or over sidewalk. **Discussion ensued.**

Sec. 30-119. - Point of pickup: Collection of garden and yard trash and bulk yard trash shall be at curbside or other such locations as will provide ready accessibility to the collector's collection crew and vehicle, provided, however, that garden and yard trash and bulk yard trash, including vegetative waste, shall not be placed in the right-of-way or otherwise impede traffic. If an appropriate location cannot be agreed upon, the town administrator or his designee shall designate the location. Garden, yard and bulk trash, and vegetative waste, shall not be placed at the curb earlier than ~~72 hours prior to Friday~~ before the scheduled pick up. Town Administrator Rutan stated we need to also add that all landscapers must be registered with the Town to do business in the Town and must take all vegetation or yard trimmings, whichever applies, with them. **Discussion ensued.**

- b. Town Attorney Foster stated we had a home with the main structure having a breezeway connecting to two bedrooms and two baths. The roof line is connected. Town Administrator Rutan stated that because it has the same foundation and roof line, the Town Planner and Building Official's professional opinion was of it being one building. Town Attorney Foster stated his suspicion of this type of development makes it too easy for someone to live in the main house and rent out the two bedrooms that are connected only by the breezeway and it also had a separate entrance:

Sec. 58-311. - One principal building per lot:

Within single-family residential districts only one principal building and its accessory buildings shall occupy or be constructed upon any lot or portions of lots that may be combined to meet

the size required for each district. A breezeway or other extension of the principal structure roof may connect the another building or structure to the principal structure, but it shall not be considered part of the principal structure, unless the additional structure is part of the same roof, and roofline, as that principal structure (Town Attorney Foster will add here, and on a continuous slab), is intended to be part of the dwelling unit, and such other building or structure is not more than ten feet from the principal structure. Otherwise, such other structure shall be considered an accessory building or structure. Town Attorney Foster will add must be a continuous slab. Discussion ensued.

Sec. 58-312. - Accessory uses:

Accessory uses and structures in residential districts shall be constructed to conform with the building and site regulations in the district where the structure is to be located; provided, however, that all accessory uses and structures shall be located only in the side or rear yard at least six feet from the principal building. It shall be the responsibility of the Town Administrator to determine if a proposed accessory structure is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal structure, based on the evaluation of whether the proposed accessory structure is necessarily or customarily associated with the principal use of the lot. Determinations by the Town Administrator shall be subject to appeal pursuant to Sec. 58-6(e). Discussion ensued.

Chickee Huts:

Sec. 58-8. – Definitions:

CHICKEE HUT or CHIKI HUT - (a.k.a. Tiki Hut) - A type of "open-air structure" that is specifically described as an open-sided wooden hut with a thatched roof of palm or palmetto or other traditional materials, constructed by the Miccosukee Tribe of Indians of Florida or by the Seminole Tribe of Florida, and does not incorporate any electrical, plumbing, or other non-wood features into its construction. This type of structure is specifically defined pursuant to the review and approval consistent with Florida Law.

OPEN-AIR STRUCTURE (GAZEBO, TIKI HUT, CHIC KEE HUT) - A detached ancillary structure, open on all sides, with a roof of some type, used for

Recreation / entertaining purposes. Such structures shall include but not be limited to gazebos; tiki, chickee or chiki huts; tea houses; or other like pavilions.

Sec. 58-338. - Open Air Structures and Gazebos

Open Air Structures and Gazebos. Open-air structures and gazebos, as defined in Sec. 58-8, shall comply with the following regulations:

Applicability:

- a. All open-air structures, excluding qualified chickee and chiki huts, must be permitted in accordance with the town's Zoning Regulations and the Florida Building Code.

b. Open air structures intended to qualify as a chickee or chiki hut (see Sec. 58- 8, Definitions) must be reviewed for consistency with the regulations of this section and Florida Statutes. The issuance of a zoning verification letter from the Town Administrator will represent a determination of consistency. The following information must be submitted for approval:

- (1). A site plan or survey that includes scaled dimensions of the proposed structure including setbacks;
- (2). Proof that the builder is a member of either the Miccosukee or Seminole Indian Tribes of Florida. This shall be a copy of the tribal members identification card; and
- (3). Drawings or images of the proposed structure indicating the open design, roof materials, and height.

2. District Regulations:

a. Single-family and Single-family / Two-family Zoning Districts. In single-family and single-family/two-family residential zoning districts, an "open-air" structure, which does not exceed one hundred fifty (150) square feet in floor area and twelve (12) feet in height measured at the mean roof height for sloped roofs, shall be located according to the following standards:

(1) The side setback shall be allowed to follow the existing wall of the principal building provided it does not further encroach into the setback or shall meet the minimum side setback requirement, whichever is least restrictive.

(2) The rear setback shall be eight (8) feet; however, in instances where the rear yard abuts a commercial property, or the perimeter wall of a development abutting other than residential property, the rear setback may be reduced to three (3) feet.

(3) The proposed structure must be located a minimum of six (6) feet from any principal, accessory or other building and structure on the property.

(4) For all cases in which the total square footage of one (1) or more open-air structure or combination of such structures exceeds one hundred fifty (150) feet of floor area, or exceeds twelve (12) feet in mean roof height, the principal building setback of the zoning district in which it is located shall apply.

(5) The open-air structure shall not be placed forward of the front or corner side building line, within a utility or drainage easement, or in a required landscape buffer.

b. Planned Developments. Open air structures are allowed within rear and interior side yards of individual lots within planned residential developments. The required setbacks shall be determined by the approved master plan or site plan;

however, in no case shall they be allowed forward of the front or corner side building line. If the master plan or site plan is silent relative to these accessory structures, and if their respective governing association has not adopted specific provisions or standards for such accessory structures, their installation shall only be in conformance with the approved building setbacks on the approved plan.

3. Methodology. The square foot area of the open-air structure shall be determined from the dimensions taken from inside the support posts, provided the roof overhang does not exceed three (3) feet. For those structures that are supported by a single pole (i.e. umbrella shape), the area measurements shall be taken from the drip line of the roof materials.
4. Existing Structures. All chickee/chiki huts constructed prior to the adoption of these Regulations, within single-family and single-family/two-family residential zoning districts, without the benefit of a permit and not in compliance with the zoning regulations noted herein, shall be reviewed for compliance with the qualification requirements for a chickee hut as established by state law. If determined consistent with state law, such structures shall be considered nonconforming structures as defined in the town's regulations. Those improvements determined inconsistent with state law shall be processed in accordance with the following subsection.
5. Removal. Except for those structures qualifying as chickee/chiki huts, all other open-air structures constructed prior to these Regulations without the benefit of a permit and those that do not comply with these Regulations, due to application of permitting requirements, must be removed or brought into compliance with all applicable regulations of the town.
6. Violations. Failure to comply with the provisions of this section shall be considered a violation of the town's Code of Ordinances, and subject the property owner to being cited by the town for failure to comply with these code provisions pursuant to the town's Code Enforcement provisions, or any other legal process authorized by law.

Discussion ensued.

Sec. 14-8. - Hurricane shutters:

Beginning December 1 of each year through June 1 of the following year, the use or closure of hurricane shutters, of any type whatsoever, to cover building/structure openings shall be strictly prohibited. However, if during June 1 through November 30, any portion of Palm Beach County falls within the National Hurricane Center's five-day cone of probability for a named or numbered tropical storm event, hurricane shutters may be used to protect building/structure openings up to 5 days prior to storm landfall and may remain in place for no more than 15

calendar days following storm passage and the lifting of a watch or warning for the town, provided, however, that shutters covering any doorways so that access to and from a dwelling unit is prohibited, and shutters on a side of the house facing a road, must be removed within 5 days following storm passage. Nothing in this section shall preclude the issuance of building permits for the installation of various hurricane shutter systems. **Discussion ensued.**

IV. ADJOURNMENT

There being no further business to be discussed, the workshop ended at 1:25 p.m.

Approved: January 23, 2020



Jean Wible, Deputy Town Clerk



Jay G. Foy, Mayor

