Planning and Zoning Board
Regular Meeting Minutes
February 4, 2008

The Planning and Zoning Board of the Town of Melbourne Beach, Florida met in regular session on Monday, February 4, 2008 in the Community Center, 509 Ocean Avenue beginning at 7 p.m.

Present were Chairman Dave Campbell, Regular Members Susan Dieterle, David Clay, Sherri Quarrie and Alternate Member Colleen Doyle. Alternate Member James Flanagan was in the audience. Also in attendance were Town Manager Jim Bursick, Town Attorney Paul Gougelman, Building Official William Whitelock, Zoning Official Dennis Ragsdale and Deputy Town Clerk Marion Noe.

Chairman Campbell called the meeting to order.

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The first item on the agenda was the approval of Minutes:

Member Quarrie made a motion to approve the minutes of January 7, 2008, which was seconded by Member Clay. The motion carried unanimously.

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Chairman Campbell stated that the next item on the agenda was the discussion and possible action regarding Ordinance 2008-02, amending the description and location of the coastal construction control line recognized by the Town of Melbourne Beach, which was advertised in Florida Today on January 18, 2008.

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO THE TOWN COASTAL SETBACK LINE; MAKING FINDINGS; AMENDING THE SECTION 5A-2, LAND DEVELOPMENT CODE, APPENDIX A, TOWN CODE OF THE TOWN OF MELBOURNE BEACH, FLORIDA; AMENDING THE DESCRIPTION AND LOCATION OF THE TOWN COASTAL SETBACK LINE; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF INCONSISTENT RESOLUTIONS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Gougelman read the Ordinance by title only.

Chairman Campbell asked if there was any discussion regarding this Ordinance.

The proposed change to this Ordinance is on page 5, 5A-2. establishing the Town of Melbourne Beach coastal setback line to be consistent with the Florida Coastal Construction Line as adopted on December 4, 1986 by the Department of Environmental Protection and described in Rule 62B-26.017, Florida Administrative Code.

> *Reference Melbourne Beach Land Development Code 5A-2, Coastal Setback Line Established.*
>
> There is hereby established and exists a town coastal setback line, for all property located within the town. The coastal setback line shall be <u>in the same location as</u> ~~located 25 feet in a landward direction. from~~ the Florida Coastal Construction Line <u>as adopted on December 4, 1986 by the Department of Environmental Protection and described in Rule 62B-26.017, Florida Administrative Code.</u>

Member Clay pointed out a few typos and minor errors in the Ordinance.

Member Quarrie made a motion to recommend this Ordinance to the Town Commission, with minor typo and error corrections, which was seconded by Member Clay. The motion carried unanimously.

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Member Schwartz arrived at the meeting at 7:11 p.m. and took a seat in the audience.

Chairman Campbell stated that the next item on the agenda was the discussion and possible action regarding Ordinance 2008-03, amending Building Code references contained in the Land Development Code, which was advertised January 18, 2008.

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, RELATING TO BUILDING AND CONSTRUCTION-RELATED CODES; MAKING FINDINGS; AMENDING CHAPTER 4A, APPENDIX A, MELBOURNE BEACH CODE OF ORDINANCES; REPEALING SECTION 4A-3, RELATING CERTIFICATES OF COMPETNENCY AND INSURANCE REQUIREMENTS; AMENDING SECTION 4A-20, DELETING REFERENCES TO THE SOUTHERN STANDARD BUILDING CODE AND ADOPTING THE FLORIDA BUILDING CODE AND THE FLORIDA RESIDENTIAL BUILDING CODE; REPEALING SECTIONS 4A-21, 4A-22, 4A-23, 4A-24, 4A-25, RELATING TO THE SOUTHERN STANDARD BUILDING CODE APPENDICES, ACCESS BY HANDICAPPED PERSONS, MANUFACTURED BUILDINGS, THERMAL EFFICIENCY STANDARDS, AND REPEALING THE SWIMMING POOL CODE; CREATING SECTION 4A-26 ADOPTING THE FLORIDA EXISTING BUILDING CODE; AMENDING SECTION 4A-35 RELATING TO APPROVAL BY THE DIVISION OF HOTELS AND RESTAURANTS FOR CERTAIN PUBLIC LODGING AND FOOD SERVICE ESTABLISHMENTS; REPEALING SECTION 4A-36 RELATING TO EXTENSION AND EXPIRATION OF BUILDING PERMITS; AMENDING SECTION 4A-37 DELETING REFERENCES TO REPEALED SECTION 4A-3; AMENDING SECTION 4A-50 MODIFYING THE CURRENTLY EFFECTIVE ELECTRICAL CODE; REPEALING SECTIONS 4A-51 AND 4A-52 RELATING ELECTRICAL CODE APPENDICES AND ELECTRIC RACEWAYS; REPEALING SECTION 4A-60 RELATING THE FLORIDA EXISTING BUILDING CODE, 1988 EDITION; AMENDING SECTION 4A-63 RELATING TO THE 1985 UNSAFE BUILDING ABATEMENT CODE BY REVISING REFERENCES TO THE BUILDING CODE; AMENDING SECTION 4A-65 DELETING THE SOUTHERN STANDARD PLUMBING CODE AND ADOPTING THE FLORIDA PLUMBING CODE; REPEALING SECTIONS 4A-66, 4A-67, AND 4A-68 ADOPTING APPENDICES TO THE SOUTHERN STANDARD PLUMBING CODE, PLUMBING OFFICIAL DUTIES, AND CHECKING OF PLANS AND SPECIFICATIONS BY PLUMBING OFFICIAL; REPEALING SECTIONS 4A-69, 4A-70, AND 4A-71 RELATING ALTERNATE MATERIALS AND METHODS, STOP WORK ORDERS, AND PLUMBING PERMITS; AMENDING SECTION 4A-81, DELETING REFERENCES TO THE STANDARD MECHANICAL CODE AND ADOPTING THE FLORIDA MECHANICAL CODE; REPEALING SECTION 4A-82 RELATING TO APPENDICES TO THE STANDARD MECHANICAL CODE; AMENDING SECTION 4A-83, DELETING REFERENCES TO THE STANDARD GAS CODE AND ADOPTING THE FLORIDA FUEL GAS CODE; REPEALING SECTION 4A-84 RELATING TO APPENDICES TO THE STANDARD GAS CODE; REVISING SECTION 4A-83 DELETING REFERENCES TO THE 1997 EDITION OF THE STANDARD GAS CODE AND ADOPTING BY REFERENCE THE

FLORIDA FUEL GAS CODE; REPEALING SECTION 4A-84 RELATING TO APPENDICES OF THE SOUTHERN STANDARD GAS CODE; AMENDING SECTION 4A-94(a) ADOPTING ADDITIONAL STANDARDS REQUIRED FOR CONSTRUCTION REQUIREMENT IN SPECIAL FLOOD HAZARD AREAS; REVISING SECTION 4A-123(a) RELATING TO STRUCTURAL STANDARDS UNDER THE COASTAL CONSTRUCTION CODE; REPEALING SECTIONS 4A-141 AND 4A-142, RELATING TO THE BUILDING OFFICIAL SERVING EX OFFICIO AS THE PLUMBING INSPECTOR AND THE PLUMBING INSPECTOR AND TO PENALTIES; AMENDING SECTION 4A-145 RELATING TO THE REQUIREMENT OF A BUILDING PERMIT AND WITH REGARD TO EXPIRATION THEREOF; REPEALING SECTIONS 4A-146 AND 4A-147 RELATING TO CERTIFICATES OF OCCUPANCY AND REQUIRING COMPLIANCE WITH THE SOUTHERN STANDARD BUILDING CODE; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF INCONSISTENT RESOLUTIONS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Gougelman read the Ordinance by title only.

Chairman Campbell stated for the record that the Ordinance title read by Town Attorney Gougelman was advertised in Florida Today on January 18, 2008.

Chairman Campbell stated that the Code currently says that the building inspector is the ex officio plumbing inspector and that clause is being deleted in the proposed Ordinance, Chairman Campbell asked where that provision is now covered.

Building Official Whitelock answered that the Statutes in the state of Florida now require each municipality to have a Building Official, and a Building Official is a licensed electrical, plumbing, gas and HVAC inspector.

Chairman Campbell inquired about the swimming pool code in general.

Building Official Whitelock stated that the swimming pool code is in Chapter 434 of the Florida Building Code, and it is a complete document with barriers and depths.

Member Dieterle asked if the Town of Melbourne Beach had specific regulations regarding swimming pools and if the Town swimming pool code will change.

Building Official Whitelock stated that the Town had originally operated under the standard Building Code which was very weak and the Town had added regulations to strengthen the code. However, the Florida Building Code exceeds what was written in the Melbourne Beach Ordinance.

Member Dieterle asked how an individual getting ready to construct a pool would obtain a copy of the regulations for a swimming pool.

Building Official Whitelock stated that the Florida Building Code is online at MyFlorida.com, and that copies can be obtained in the Town Hall.

Member Quarrie commented on the section regarding manufactured homes and their anchoring found on page 23 of the Ordinance. The only thing Melbourne Beach has close to a manufactured home is a construction trailer on home-sites.

Building Official Whitelock stated that any manufactured building, including accessory buildings/sheds and mobile homes is part of this section.

Member Quarrie asked if this section should reflect manufactured building/homes on page 23. She then questioned why the construction trailers on home-sites do not have an anchoring system.

Building Official Whitelock stated that there is nothing in the building code that covers a temporary structure such as a construction trailer that is on wheels and can be removed. He went on to say that there is a complete chapter in the Florida Building Code that pertains to manufactured housing and manufactured buildings.

Member Quarrie asked how an individual putting in a shed would know what regulations applied.

Building Official Whitelock said that the individual would need to rely on the manufacturer to supply documents which are required in order to obtain a permit and those documents must reflect the statute.

Chairman Campbell inquired about building permit fees found on page 10 of the Ordinance. Section 4A-37 Permit Fees – The fee schedule for any permit to be issued pursuant to Chapter 4A shall be provided by the Town Commission by resolution. What does this mean?

Town Attorney Gougelman explained that when you adopt the building codes you have to go through the ordinance adoption process. One of the things being authorized is the ability to change the rates and fees for various permits by simple resolution. This means that it is a document that goes only to the Town Commission and it goes only once, it does not have the requirements to be advertised.

Member Clay looked at 4A-50 Electrical Code Adopted, Section (b) at the top of page 12 which reads, “any person supplying current must disconnect service from the source of supply upon instructions from the electrical inspector where hazards are deemed to exist”. Is there a need for a time frame for disconnecting after receiving the notice?

Building Official Whitelock explained that this gives strength to a “stop work order”. When a Building Official issues a “stop work order”, the work has to stop immediately and this just gives the Town leverage to have Florida Power and Light come out and disconnect the electricity.

Town Attorney Gougelman informed the board of an error pointed out by the Town Manager which is found on page 26, line 17, which says “Department of Natural Resources” and should be replaced with Department of Environmental Protection.

Town Attorney Gougelman explained that when a major change is proposed for a particular section, you can just denote it as substantial rewording rather than showing all the stricken language.

Member Clay pointed out a few typos he found in the document.

Member Schwartz left the meeting at 7:35 p.m.

Member Quarrie made a motion to recommend this Ordinance to the Town Commission, with the corrections as noted, which was seconded by Member Clay. The motion carried unanimously.

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Chairman Campbell stated that the next item on the agenda was the review of allowable Special Exception uses and development of standards for granting Special Exception Permit Applications.

Zoning Official Ragsdale began with an introduction of the Special Exceptions documents he prepared and presented to the board. He informed the board that he will offer some of his opinions, as well as asking for input from the board. He feels that some of the uses do not fit the Town.

Chairman Campbell gave his opinion on the 7C zoning district. Chairman Campbell stated that 7C was created to allow service stations on the two diagonal corners and nowhere else. Also, the 6B Downtown Business District and 8B Residential Business Zone use the word “intended” several times making it very open to what it means.

Zoning Official Ragsdale understood that there needs to be some objective criteria to the intent statement in the 6B and 8B descriptions. Also, in 8B, restaurants are not listed as a conditional or permitted use, but there is a restaurant there which is Djon’s Chophouse.

The Board had a brief discussion regarding Djon’s Chophouse. Member Dieterle thought it may have been listed as a historical building, Chairman Campbell stated that it may have been a restaurant since before 1972, and was grandfathered.

Zoning Official Ragsdale asked for some feedback about commercial recreation and vocational schools. Zoning Official Ragsdale asked, “Would the Town want a bowling alley?”

Member Dieterle says that a lot of people have wanted some type of recreational center.

Zoning Official Ragsdale stated that a recreational center or community center would be different than something like a bowling alley.

The Board had a discussion with regards to the language used and agreed to see what Zoning Official Ragsdale develops.

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Chairman Campbell stated that the next item on the agenda was the discussion of the application of “green” building techniques (Climate Change Mitigation Ordinance) for the Town of Melbourne Beach.

Member Clay passed out a document he prepared titled, “Greening of the Town of Melbourne Beach”. The document was also given to Deputy Clerk Noe for public record. He informed the board that the purpose of the document was to introduce an exploratory idea.

Building Official Whitelock stated that Florida has a board formed with the Construction Board and the Building Officials Association have been working on adopting green-friendly building codes. He is hoping to see the first draft in June of 2008.

Chairman Campbell suggested the Board look over the document handed out by Member Clay and collectively give input during the next regular meeting.

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Chairman Campbell stated that the next item on the agenda is the request by Town Commission for Chairman Campbell to attend the February 20, 2008 Town Commission Meeting to discuss recommendation regarding side setback for 60’ wide residential building lots.

Chairman Campbell agreed to attend.

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Chairman Campbell stated that the next item on the agenda was a report on Board of Adjustment meetings of January 17 & 24, 2008.

Town Manager Bursick stated that the January 17th meeting regarding the variance and special exception request for the Walgreen's was continued until February 21, 2008. The January 24th meeting regarding the special exception application for Sand on the Beach was continued until the March 20, 2008 meeting.

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Chairman Campbell asked if anyone has questions or comments.

Member Clay mentioned the "For Sale" sign in front of the Sand on the Beach property. He inquired about the Town purchasing the property. Member Clay inquired, "Can a citizen make a request to the Town Commission for the Town to purchase the property."

Town Manager Bursick replied, "Yes."

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Member Quarrie made a motion to adjourn, which was seconded by Member Clay

The meeting was duly adjourned at 8:16 p.m.

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David Campbell, Chairman

ATTEST:

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Marion Noe, Deputy Town Clerk