PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, June 2, 2008
Community Center - 509 Ocean Avenue
7:00 PM

MINUTES

I. CALL TO ORDER

Present Were:

Chairman Dave Campbell	Town Manager James Bursick
Member Sherri Quarrie	Town Attorney Paul Gougelman
Member Susan Dierterle	Zoning Official Dennis Ragsdale
Alternate Member James Flanagan	Building Official Bill Whitelock
Alternate Member Colleen Doyle	Deputy Town Clerk Marion Noe

Member David Clay, in audience

Absent was:
Member Steve Schwartz

II. APPROVAL OF MINUTES – April 7, 2008 Regular Meeting.

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

III. NEW BUSINESS

A. Review of allowable Special Exception uses and development of standards for granting Special Exception Permit Applications.

Zoning Official Ragsdale began by stating that the Ocean Avenue Special Exceptions document being presented (see attached "Exhibit A") includes changes discussed during the April 7, 2008 meeting and a few changes by the Town Manager and Town Attorney. He also suggested going through the document page by page so that the Board could process with the preparation of a document for consideration by the Town Commission.

Chairman Campbell began going through the Ocean Avenue Special Exceptions document page by page.

Member Quarrie suggested changes for page 2, section (b). Member Quarrie wanted to remove redundant words "to be reasonable and practical".

The Board agreed unanimously.

Member Quarrie also wanted to remove the word "reasonably" from page 2, section (c).

Member Clay arrived at 7:07p.m. and took a seat in the audience.

Member Quarrie disagrees with how "entrance to the building" found on page 3, section c-1 is written. She would like to add side or rear entrance options and also presented a sketch to Building Official Whitelock.

Zoning Official Ragsdale explained the intent of page 3, section c-1. The intent is that a building wouldn't be skewed to the road-way and there will be a "real" front for the appearance of the building. This entrance doesn't have to be the main access to the building.

Zoning Official Ragsdale suggested making changes to the wording for the Board to review at the next meeting.

Member Quarrie suggested removing "consistent with the colors that are" from page 4, section d-3.

Zoning Official Ragsdale stated that he will make the suggested change to page 4, section d-3.

Member Quarrie asked if it would be practical and reasonable to have a "lights off" time starting from the traffic light going west.

Zoning Official Ragsdale stated that lights are available now that have a "shield" so the light can be directed down.

Chairman Campbell pointed out security issues if the Town were to have a "lights off" time such as injuries, criminal activity or unwanted congregations.

Member Clay commented from the audience that the Town could consider light timers and/or motion sensor lights.

Chairman Campbell stressed the security issues if the Town parking lots have no lights.

Chairman Campbell asked about section 4-c on page 6, which is "Combines two or more parcels to allow a larger building than would otherwise be permitted." He feels that it could not be enforced.

Attorney Gougelman stated that the Town cannot stop the combining of parcels.

Zoning Official Ragsdale stated that section 4-c on page 6 will be removed.

Member Dieterle pointed out a typo on page 7, section (5). Except in the last sentence of the paragraph was spelled "excapt".

Chairman Campbell asked if the Town has a definition in the Code for "personal service establishments".

Zoning Official Ragsdale said the Town doesn't and he will be adding a definition.

Member Dieterle asked about a definition for "studio".

Zoning Official Ragsdale stated that he will also be adding a definition for "studio".

Attorney Gougelman asked if the Board would like to put a cap on the seating capacity for a house of worship.

The Board discussed how the capacity would be determined.

Building Official Whitelock stated that most churches are considered assembly occupancies and there are certain regulations that control the number of people, which is normally how the Town has determined capacity.

Chairman Campbell stated that the Board would like to place a cap on capacity.

Attorney Gougelman asked the Building Official and Zoning Official to get together and figure a way to determine capacity.

Member Quarrie asked if Town Codes need to be referenced throughout the document.

Zoning Official Ragsdale stated that he will go back through and add references where they are needed.

Chairman Campbell asked to include a definition of “service station”. He then noticed that the Town does have a definition but feels it needs to be changed.

The Board asked to include a definition for “clinic”.

Member Clay asked from the audience what “excessive lighting and noise” found on page 11, section a-10 was prohibiting.

Zoning Official Ragsdale gave an example of the modern service stations with the large lighted canopies which would be considered to be excessive.

Chairman Campbell suggested for “excessive lighting and noise” to remain in the document since it is already in the Code.

Chairman Campbell asked why “public recreation areas” was struck from page 13, section d-8.

Zoning Official Ragsdale stated that he doesn’t anticipate that use.

Member Clay asked from the audience if e-1 (All other uses not specifically or provisionally permitted herein.) & e-3 (Drive-in, drive-up drive through, or any other similar feature that provides for receipt of goods, services, food, money or information by a consumer while seated in a motor vehicle.) on page 14 can be switched.

Zoning Official Ragsdale stated that he will be make that change.

Member Dieterle asked how the Town can prohibit rental units from being rented for periods less than one month. (page 14, section e-2)

Zoning Official Ragsdale stated that the licensing is different for a Bed & Breakfast, Hotel and Motel. A “rental unit” is a house or apartment.

Chairman Campbell stated that there is no definition for “rental unit”.

Zoning Official Ragsdale stated that he will be add a definition for “rental unit”.

Member Clay asked from the audience if there are definitions for other types of rentals.

Zoning Official Ragsdale stated that he will work on additional definitions for the other types of rentals.

Member Quarrie asked about the sign code on page 16, section c-1a. She asked why signage installed, affixed, or painted on windows or doors were excluded as signs.

Zoning Official Ragsdale stated that it is the current sign ordinance and it was not something he has analyzed.

Chairman Campbell asked what a “shingle sign” is, which is found on page 17, section 2.

Zoning Official Ragsdale stated that a “shingle sign” is a sign hanging perpendicular to the wall.

Member Quarrie asked about section g-10 on page 20. She asked why dispensing mechanisms are being allowed.

Zoning Official Ragsdale stated that this section isn’t to allow dispensing mechanisms; it is excluding dispensing mechanisms as being a sign for a business.

Chairman Campbell inquired about page 22, section (a)5-a, (Canopy trees at the time of planting shall have a trunk diameter of 3 inches measured 4.5 feet above the ground. The trees shall be a minimum of 10 feet in height and have a minimum spread of 7 feet.). He stated that canopy trees do not grow very well here.

Member Quarrie asked if landscaping maintenance could be included in the “Buffer and Tree planting requirements for special exception uses” section.

Zoning Official Ragsdale pointed out that landscaping maintenance is covered on page 23, section (a)-7. Code Enforcement will be able to enforce this part of the code.

Alternate Member Doyle asked about removing “clinic” or changing the wording to “medical office”.

Zoning Official Ragsdale stated that “clinic” will be replaced with “medical office” throughout the ordinance.

Chairman Campbell asked Zoning Official Ragsdale to prepare an ordinance for the next meeting.

Town Manager Bursick asked the Board if they are ready for an ordinance to be advertised for the next meeting.

The Board indicated that they are ready to proceed if there is sufficient time to prepare the Ordinance and advertise accordingly.

B. Report on Board of Adjustment meetings of April 17 & May 15, 2008.

Chairman Campbell stated that the next item on the agenda was a report on the Board of Adjustment meeting of April 17 & May 15, 2008.

Town Manager Bursick reported that there was one item on the April 17, 2008 Board of Adjustment meeting which was a Variance to construct an accessory structure in front of

the front building line at a single family residence on Riverside Drive. The request was denied because no hardship was shown.

At the May 15, 2008 Board of Adjustment meeting the Board reviewed a Variance application for Sand on the Beach requesting the use of 5 off-street parking spaces and also a Special Exception application for a 60 seat restaurant. The Variance application was approved and the Special Exception application was approved with conditions. The Final Order is in the process of being written so the Board of Adjustment can review it at the June 19, 2008 meeting.

Member Clay asked the location of the 5 off street parking spaces.

Town Manager Bursick stated that the spaces are the 5 on the North side of the beach access which are located on the Sand on the Beach property.

IV. OLD BUSINESS

None.

V. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

Member Dieterle asked about rental houses in residential districts and if anything can be done about daily and/or weekend rentals in the residential districts.

Building Official Whitelock stated that we can create an ordinance to prevent that.

Member Clay agreed with creating an ordinance to prohibit daily and/or weekly rentals.

Chairman Campbell asked Zoning Official Ragsdale to create a document prohibiting daily and/or weekly rentals for the Board to review at a future meeting.

VI. ADJOURNMENT

Member Quarrie made a motion to adjourn, which was seconded by Alternate Member Flanagan.

The meeting was duly adjourned at 8:13 p.m.

ATTEST:

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Marion Noe, Deputy Town Clerk David Campbell, Chairman