**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**
Monday, March 2, 2009
Community Center-509 Ocean Avenue
7:00 pm

# MINUTES

## I CALL TO ORDER

Present were:
Chairman David Campbell
Member Susan Dieterle
Member Sherrie Quarrie
Member Colleen Doyle
Member Steven Schwartz
Alternate Member James Flanagan

## II. APPROVAL OF MINUTES- January 5, 2009 Regular Meeting

Motion made to accept minutes by Sherrie Quarrie. The motion was seconded by Steven Schwartz. Question called; motion carried 5-0.

## III. NEW BUSINESS

### A. Selection of Chairman and Vice-Chairman

Chairman Campbell opened up discussion for nominations. Susan Dieterle recommended that Chairman Campbell remain in his position. Dieterle made the motion and Steven Schwartz seconded it. Question called; motion carried 5-0.

Sherrie Quarrie made the motion to nominate Susan Dieterle as Vice –Chairman. Dave Campbell seconded the motion. Question called; motion carried 5-0.

### B. Discussion on Flood Plain Management packet

Chairman Campbell asked if there were any comments.

Building Official Whitelock said that this came about through FEMA. It was brought to his attention that a revamp was needed to the ordinance that pertains to Flood Plains in Melbourne Beach so we could maintain a decent level of flood plain insurance rates for our citizens.

Chairman Campbell decided to go through the ordinance page by page to see if anyone had any suggestions for changes or revisions.

Sherrie Quarrie asked if there were any liberties taken with this or is this strictly according to FEMA's requirements.

Building Official Whitelock replied that he had taken very few liberties with it; this was from a model ordinance written by FEMA.

Chairman Campbell noticed that on page 3 section 4A-86 Findings of Fact that the statement "impairment of the tax" base should read "impair the tax base."

Member Doyle noticed that the first word on page 8 was spelled wrong and should be encroachment.

Chairman Campbell stated that on page 12 under the section Manufactured Home that SFR was not spelled out and wanted to know what it stood for.

Building Official Whitelock explained that it meant single family residence.

Chairman Campbell asked that it be spelled out.

Member Quarrie asked that if on page 17 any liberties were taken under Substantial Improvement.

Building Official Whitelock explained that it was taken directly from FEMA's regulations.

Member Quarrie wanted to know how we would keep track of improvements over a 30 year time frame on a structure.

Building Official Whitelock stated that FEMA provided us with some software that will track it.

Chairman Campbell noticed that on page 26 under section c that it says the structure will meet the flood proofing criteria. He wanted to know if this sentence should be referenced further back in the document.

Attorney Gougelman stated that it should be referenced to page 28 under section b and that he will insert it.

Chairman Campbell stated that on page 30 in the last sentence the word of should be removed.

Chairman Campbell read part of a sentence from page 35 that stated 18 inches above the crown of the road adjoining road whichever is highest and wanted to know if it was on a corner lot if it would be both roads.

Building Official Whitelock stated that the answer would be whichever road has the highest elevation.

Chairman Campbell also stated that it should read 18 inches above the crown of any adjoining road whichever is highest. He said that the word any should replace the word the.

Chairman Campbell asked if there were any comments from the audience.

There were none.

**C. Discussion on paperless agenda**

Town Manager Bursick explained to the Board that this system was already in place with the Town Commission and that the intent was to extend it to the other Boards.

Chairman Campbell asked if that was paperless for everything.

Town Manager Bursick replied that it was but if there were certain items that needed to be physically delivered like site plans that we would.

Chairman Campbell decided that they would be willing to start next month.

## V. OLD BUSINESS

**A. Discussion on Ocean Avenue Ordinance**

Attorney Gougelman read the definition of Ordinance 2009**.**

Chairman Campbell asked the other Board members if they wanted to go through this Ordinance page by page.

Member Quarrie replied that she would like to.

Member Doyle noticed that in the definition of the Ordinance the word freestanding was spelled wrong.

Chairman Campbell said that on page 25 at the bottom of the page under section 2 that the word non should be added to governmental body.

Member Quarrie wanted to know if on page 28 under number 7 if a time frame should be added. She felt that 6 months was a sufficient amount of time.

Attorney Gougelman replied that there was no standard. This is where Code Enforcement needs to have a reasonable approach to deal with this. The real problem

in this Ordinance is dead landscape material. How do we know when the landscape material dies?

Member Schwartz asked Building Official Whitelock what he considered to be a reasonable amount of time.

Building Official Whitelock replied 30 days.

Attorney Gougelman stated that section 8 should be made part of subsection 7 and the rest of the sections should be renumbered.

Member Schwartz stated that he would like it to read within 90 days of notification.

Chairman Campbell asked the Board if anyone wanted to change it to say within 90 days of notification or leave it as saying in a timely manner.

A vote was taken by the Board and is as follows:

Member Quarrie voted to change it.
Member Dieterle voted to leave it alone.
Member Schwartz voted to change it.
Member Doyle voted to leave it alone.
Chairman Campbell stated that the Board moves to leave it alone.

Chairman Campbell asked if anyone from the audience had any comments or questions.

Mike Rydson of 1301 Pine Street asked if on the issue of landscaping and the replacement of dead trees, was that on anything that was site planned? For instance, if he submits a landscaping plan and that plan includes the existing trees on the property and any of those trees die would he have to replace it or only the ones specifically required.

Town Planner Ragsdale stated that he would have to replace them because it's on the original site plan.

Attorney Gougelman stated that ultimately it's a decision for the Code Enforcement Board. The way that it is worded you could make a very good argument. It says all landscaping not all required landscaping.

Town Planner Ragsdale stated that the purpose of this effort was to shore up the Ocean Avenue zoning so you would have some landscaping, it wasn't to go through the entire landscape ordinance.

Chairman Campbell asked if the Board recommends that the Town Commission approves this.

Member Dieterle made a motion. Member Doyle seconded the motion. Question called; motion carried 5-0.

## VI. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

**Discussion of building lot size-Susan Dieterle.**

Member Dieterle and the Board discussed this issue and decided not to go any further with this discussion in a future meeting.

## VII. ADJOURNMENT

Motion to adjourn by Member Quarrie. Seconded by Member Schwartz. Question called; motion carried 5-0.

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| Rhonda Danielle<br>Deputy Town Clerk | David Campbell<br>Chairman |