**PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY**
Monday, January 5, 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- December 1, 2008 Regular Meeting

Member Dieterle asked that wording on page 10, paragraph 6 in the first sentence, be changed. The word parameter should be perimeter.

Moved by Board Member Steven Schwartz, seconded by Sherrie Quarrie to approve the minutes of December 1, 2008. Question called; motion carried 5-0.

## III. NEW BUSINESS

None

## V. OLD BUSINESS

**A. Discussion and/or action regarding the Ocean Avenue Zoning regulations-Town Planner Ragsdale**

Planner Ragsdale discussed his enclosures on floor to area ratio, form based codes and some excerpts from the City of Melbourne codes relative to gasoline service stations. He also made changes in the document that they discussed at the last meeting. Planner Ragsdale didn't think that they could add form based codes because it would be an extensive study.

Chairman Campbell stated that it was almost moving into an architectural review board type philosophy.

The Board discussed the forms submitted by Planner Ragsdale.

Chairman Campbell read the definition of service stations from the land development code.

The Board held discussion on if they needed to adopt a new definition of service stations.

Chairman Campbell asked if the Board felt that the current definition was adequate.

Town Attorney Gougelman stated that there were some conditions that the Board may want to consider under miscellaneous standards, sub section (9) from the current City of Melbourne definition that Planner Ragsdale submitted for review.

The Board discussed the miscellaneous standards a-f and decided to add subsections (9) (a) (b) (c) to the current definition. These read as:

- (a) Underground storage required for all receptacles for combustible materials in excess of one hundred ten (110) gallons.
- (b) Outdoor speaker systems shall not be permitted.
- ( c ) All lighting must be restricted to the site without glare or direct illumination onto adjacent properties.

Member Quarrie brought up restaurant seating and asked what is allowable.

Chairman Campbell stated that Planner Ragsdale was supposed to bring some recommendations to this meeting.

Planner Ragsdale stated that the number of seating is what the Town is willing to accept. He stated that we have other development parameters as far as setbacks, landscaping and open spaced parking spaces that will govern the building and how many seats you can have. He said that if they want an absolute number on seating they would have to give him a number and he would add it.

Member Schwartz stated that he felt that they needed to work through it and that if they wanted a clean special exception kind of rule, it would make sense to go through it now before it becomes an emotional issue for a person. He stated that he felt that 200 seats seemed like a large number.

The Board continued discussion on the issue of the number of seats that would be allowed for restaurants.

Member Schwartz stated that he would like to talk about an absolute size for a restaurant in Melbourne Beach.

Chairman Campbell asked him what he suggested for the number of seats to be.

Member Schwartz believed it should be 200 or less.

Chairman Campbell stated that he wasn't against regulating but he wasn't sure what the number should be. He stated that he felt there were enough safe guards in the area of parking and the size of the parking places.

Member Dieterle believed that they should leave it alone.

Member Doyle seconded that statement.

Chairman Campbell stated that they will leave the number of seats for restaurants alone at this time.

Chairman Campbell went through the Ocean Avenue Zoning attachment page per page to review what changes had been made by Planner Ragsdale.

Chairman Campbell stated that on page 4 landscaping had been struck out because it's picked up in the later areas. It is the landscaping for 6B.

Planner Ragsdale stated that on page 6 is where he will insert the Melbourne Beach code provisions that the Board selected tonight.

Chairman Campbell said that on page 8 setbacks, curb cuts, ingresses and egresses were struck out.

Planner Ragsdale stated that he would undo that and put it back in.

Chairman Campbell went on to page 10 and that the residential rental units rented for a period of less than one month had been struck out.

Planner Ragsdale stated that the Board had asked him to strike that out at the last meeting.

Chairman Campbell stated that on page 21 that he had struck out the "stop" or "danger" wording.

Chairman Campbell moved on to page 22 and stated that the real estate sold signs as a prohibited sign had been removed.

Chairman Campbell asked if everyone was ready to turn it into an ordinance. He also commented that the Board needs to seriously consider coming up with standards for any special exceptions.

Member Dieterle suggested that perhaps Planner Ragsdale could come up with some suggestions.

Chairman Campbell stated to go ahead and turn it into an ordinance.

**B. Discussion of Ordinance 7A-57 accessory structures- Building Official Whitelock**.

Building Official Whitelock explained that a simple line to the definition of a principal use of a structure would clarify the intent of the whole situation of attaching an accessory structure to a principal structure and calling it a principal structure, via breezeway. He believed that would negate anything that comes up.

Chairman Campbell said that sounded good.

Attorney Gougelman stated that we could put it all in one ordinance.

Chairman Campbell stated that the board agrees and to go ahead and put it all in one ordinance.

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

**A. Proposed changes for Flood Insurance Ordinance.**

Chairman Campbell asked Building Official to explain it to the Board.

Building Official Whitlock stated that the Flood Insurance Ordinance was in the process of being written. It will be a requirement for FEMA. It allows you to obtain flood insurance through FEMA programs.

## VII. ADJOURNMENT

Moved by Board member Sherrie Quarrie, seconded by Board Member Susan Dieterle. Question called; motion carried 5-0.

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