PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, November 8, 2010
Community Center-509 Ocean Avenue
7:00 pm

MINUTES

I. CALL TO ORDER - 7:04 p.m.

II. ROLL CALL

Present were

Chairman David Campbell
Vice Chairman Susan Dieterle
Member James Flanagan
Town Attorney Paul Gougelman
Town Planner Dennis Ragsdale
Temp. Deputy Clerk Jennifer Howland
Interim Town Manager Hoskovec

Absent were

Member Coleen Doyle
Member Tom Davis

III. APPROVAL OF MINUTES

October 4, 2010

Chairman Campbell listed some typographical changes to the minutes.

The board agreed to remove a line from page 7 and edit another line on page 7.

Moved by Member Dieterle; seconded by Member Flanagan to approve the minutes of the October 4, 2010 meeting, as amended. Question called; motion carried, 3-0.

IV. PUBLIC HEARINGS

None

V. NEW BUSINESS

1. Site plan approval for 503 Fourth Avenue

Chairman Campbell asked the builder if he had anything to say about the site plan.

The builder had no comment.

Vice Chairman Dieterle asked if there were signed and sealed plans.

Building Official Phoenix answered he had the signed and sealed plans.

Chairman Campbell said a permit had accidentally been issued before site plan approval. He said he had reviewed the site plan; he said the height and fencing looked right.

Vice Chairman Dieterle asked if the chimneys were calculated into the height.

Chairman Campbell answered no, the height of the chimneys are not to be included in the minimum heights allowed. Chairman Campbell reviewed the site plan as it relates to the required setbacks and heights and concluded that it is compliant. He questions regarding the rear setback and the pool set back, but determined they are compliant.

Vice Chairman Dieterle made a motion that they approve the site plan and forward it to the Town Commission; seconded by member Flanagan. Question called, motion carried, 3-0.

Building Official Phoenix apologized for missing features of the ordinance. He said he didn't have a point of contact person when he arrived and will work to improve his performance.

2. Discussion regarding definitions in the existing Land Development Code and the Comprehensive Plan.

Planner Ragsdale explained how he put together the definitions and said the board can go through some definitions every time they meet until they are done or can go through them all now.

Chairman Campbell answered they should go through some every time they meet until they're done.

The board discussed the definition of "accessory structure" and "accessory use".

Chairman Campbell read the definition and said he had a problem with the definition because of the word "lot" and its definition.

Town Attorney Gougelman talked about litigation regarding the use of the word lot and its definition and said the definitions used for "lot" makes the definition of accessory use confusing.

Town Attorney Gougelman said the board should allow Planner Ragsdale to address the definition issues.

Planner Ragsdale said the definition needs a new analysis.

Chairman Campbell said the definition of addition should include the section that Planner Ragsdale wants to use to make a new definition called "new construction."

Chairman Campbell concluded that the definition should stay the same.

Town Attorney Gougelman said agricultural use should be included as a prohibited use.

Chairman Campbell agreed.

The board discussed the definition of "alley."

Planner Ragsdale said he will review the plats and determine whether there are any alleys in Town.

Chairman Campbell said they should leave it.

The board discussed the definitions of "antiquated plat" and "antiquated subdivision."

Chairman Campbell said according to the definition, all plats are antiquated.

Planner Ragsdale said they don't need the definitions of antiquated plat or subdivision and asked if the definitions of antiquated plat and sub-division should be stricken.

Chairman Campbell said yes, get rid of both.

Town Attorney Gougelman said there are issues with the definition of appeal. He said both the Zoning and Building Official's decisions can be appealed, therefore they need to be included in the definition.

Chairman Campbell asked if Code Enforcement decisions can be appealed.

Town Attorney Gougelman said yes, but the Code Enforcement Official decision is appealed through the Building or Zoning official. He said Building Official decisions are appealed through the Building Official and Zoning Official decisions are appealed through the Board of Adjustment. He said that is the way the code is set up. He said 7A-170 says which official has interpretation authority.

Chairman Campbell said to change the wording according to the Town Attorney's recommendation

The board discussed the definition of "applicant."

Town Attorney Gougelman said the word interest should be left in and a line should be added that states the leasehold does not have ownership interest.

The board discussed the definition of "assured construction."

Planner Ragsdale said it is there for concurrency and the Land Development Code needs this definition because the code does not have a concurrency management section.

Town Attorney Gougelman said years ago each section of the Land Development Code had its own definition section. He said the intent of this definition is to include all possible definitions of "Assured Construction" since there is one definition section for the entire Land Development Code.

Planner Ragsdale said he will determine whether there should be a concurrency section.

Chairman Campbell agreed.

The board discussed the definition of "motor vehicle."

Vice Chairman Dieterle said according to the definition motor homes are a motor vehicle; therefore can be stored as a vehicle.

Planner Ragsdale said the definition is consistent with the State definition of motor vehicle. He said in order to prohibit motor homes is to prohibit them in the appropriate section. He said the definition will not become restrictive.

Town Attorney Gougelman said it is prudent to go through the code to see what pops up in order to make the definitions concise.

Chairman Campbell said the definition of "available" will fit well into a concurrency section and said maybe a concurrency section should be created.

The board discussed the definition of "average daily traffic."

Planner Ragsdale said the definition of "average daily traffic" should be in line with Florida DOT definition and should be expanded in order to include the difference between current and projected traffic.

Chairman Campbell said he didn't see a problem with the definition and said Planner Ragsdale can add another definition to account for the difference between current and projected traffic.

The board discussed the definition of "background traffic."

Planner Ragsdale said it is the average daily traffic plus the traffic from incomplete projects.

Town Attorney Gougelman said the existing code on this item is 3A-20(g), not 3A-22(b) as referenced in the code.

Chairman Campbell said he doesn't have any problems with the definitions, but if Planner Ragsdale needs to make some changes he can go ahead.

Planner Ragsdale said he doesn't want the Town to be taken advantage of and will find the terminology and make it consistent with the State DOT.

The board discussed the definition of "backlogged facility."

Chairman Campbell asked if this definition is included in the Land Development Code.

Planner Ragsdale said no, but you don't know if it will be needed, plus it is in the Comprehensive Plan.

The board discussed the definition of "bed and breakfast."

Chairman Campbell said they should leave in all the information since it took the Commission so long to come up with the definition.

The board discussed the definition of "best management practice."

Planner Ragsdale said the definition should be expanded to include the other applications and code sections where best management practices are included.

Town Attorney Gougelman said the referenced codes do not match the Florida Statutes.

Planner Ragsdale said that is why the references are being changed to say as per Florida Statute.

The board discussed the definition of "billboard sign."

Town Attorney Gougelman said the definition is shaky and it needs work.

Town Planner Ragsdale said there are other provisions in the code that address billboard signs.

Chairman Campbell said it is simply a definition and is addressed in the Land Development Code, but Planner Ragsdale should work on making it a better definition.

The board discussed the definition of "breezeway."

Vice Chairman Dieterle said her code book had a different definition.

Planner Ragsdale said he got his version from the online updated version.

The board discussed the definition of "buildable area."

Planner Ragsdale said the definition could use expansion.

The board agreed that setbacks and all code requirements need to be included in the buildable area.

The board discussed the definition of "Building Official."

Chairman Campbell said the Building Official needs to coordinate with the Zoning Official and this needs to be included in the definition.

The board discussed the definition of "building permit."

Planner Ragsdale said development order is too broad and needs to be more specific.

Building Official Phoenix said the language for a building permit is in the building code.

Chairman Campbell said Planner Ragsdale should see what he can do.

The board discussed the definition of "building support structures."

Planner Ragsdale said this definition is used in coastal construction.

Town Attorney Gougelman said it is from 4A.

Planner Ragsdale said he can gather the different definitions in the code and put them into one section.

Building Official Phoenix said there is a standard sentence in almost every section of definitions in most codes that says, "as used in this section."

Planner Ragsdale said where the definition is used only in that section it should stay there and if it is used throughout the code then it should be placed in the general definition section.

Chairman Campbell agreed.

The board discussed the definition of "buildout period."

Planner Ragsdale said the definition leaves the Town Manger with discretion which could lead to a lot of inconsistencies and problems.

Vice Chairman Dieterle said last she knew the buildout period was not limited.

Building Official Phoenix said, according to building code, the buildout period is 180 days since the last successful inspection.

Planner Ragsdale said if it is not in the code he will strike it out.

Chairman Campbell said we need to make sure its covered somewhere.

Building Official Phoenix gave an example of why it should remain in the definitions.

Town manager Gougelman also gave an example of why it should remain.

Chairman Campbell suggested that Building Official Phoenix and Planner Ragsdale get together to work on a definition.

The board discussed the definition of "buffer, vegetative."

The board decided not to change the definition.

The board discussed the definition of "captured trips."

Town Attorney Gougelman said to put it in a concurrency section. He said to do a word search to see how it is used and base a definition from that.

The board discussed the definition of "central treatment facility/ plant."

No changes were made.

The board discussed the definition of "clearing."

Vice Chairman Dieterle asked if a permit is required to remove trees when getting a permit to clear land.

Building Official Phoenix said roughing (clearing vegetation) does not include trees. He said when roughing, trees of a certain diameter are usually saved.

Vice Chairman Dieterle said there is no delineation between demo, clearing, and trees and said it should be addressed.

Building Official Phoenix said they should clarify the definition of "clearing."

Chairman Campbell said agreed.

Planner Ragsdale said there is nothing in the code to protect trees.

Building Official Phoenix said tree protection clause should be addressed in the Land Development Code in Chapter 9.

Planner Ragsdale said they will address the preservation of trees in the future.

The board address the definition of "clinic."

Chairman Campbell said they should leave the definition alone.

Town Attorney Gougelman said they have one more issue to address.

Chairman Campbell said they will address more definitions in the next meeting and will discuss what they will address next.

Planner Ragsdale said there may be an issue in the future about allowing more restaurants/ bars and liquor stores in Town. He said they should establish distance regulations for distance between establishments.

Building Official Phoenix listed the current new proposed bar and liquor store.

Town Attorney Gougelman said the new restaurant/ bar and liquor store has caused the staff to look at the regulations and the board may want to discuss ways to stop more alcohol establishments from entering.

VI. OLD BUSINESS

None

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

None

VIII. ADJOURNMENT

Motion made to adjourn by Vice Chairman Dieterle; seconded by Member Flanagan. Question called; motion carried 3-0.

Meeting adjourned at 9:05 pm.

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Jennifer Howland	David Campbell
Temporary Deputy Town Clerk	Chairman