PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, December 6, 2010
Community Center-509 Ocean Avenue
7:00 pm

MINUTES

I. CALL TO ORDER - 7:03 p.m.

II. ROLL CALL

Present were

Chairman David Campbell
Vice Chairman Susan Dieterle
Member James Flanagan
Member Tom Davis
Alternate Member Belsten

Town Attorney Paul Gougelman
Town Planner Dennis Ragsdale
Deputy Clerk Jennifer Howland
Interim Town Manager Hoskovec

Absent were

Member Coleen Doyle

III. APPROVAL OF MINUTES

November 8, 2010

Moved by Member Dieterle; seconded by Member Flanagan to approve the minutes of the November 8, 2010 meeting. Question called; motion carried, 5-0.

IV. PUBLIC HEARINGS

None

V. NEW BUSINESS

1. Site plan approval for 405 Fifth Avenue

The board discussed the site plan for 405 Fifth Avenue.

Alternate Member Belsten said there was a discrepancy on the address.

Deputy Town Clerk Howland researched the Brevard Property Appraiser website and she verified the address to be 405 Fifth Avenue, not 407 Fifth Avenue.

Chairman Campbell said it met setback, height, and lot percent requirements.

Alternate Member Belsten made a motion to recommend approval of the site plan to the Town Commission; seconded by Member Davis. Question called, motion carried, 5-0.

2. Approval of Planning and Zoning Board meeting schedule for 2010

The board discussed the changing of the meeting time to 6:30, but it was decided that the meeting time remain at 7:00 p.m. to accommodate those who work.

Member Davis made a motion to approve the schedule as presented; seconded by Alternate Member Belsten. Question called; motion carried, 5-0.

VI. OLD BUSINESS

1. Continued discussion regarding definitions in the existing Land Development Code and the Comprehensive Plan.

Chairman Campbell said Planner Ragsdale will have the remaining notes for the definitions and code references for the definitions for the January meeting.

The board began their discussion on page 12 of the definitions.

The board discussed the definition of "COASTAL HIGH HAZARD AREA."

Chairman Campbell asked Planner Ragsdale where he was going to get the definition of coastal high hazard area from the State.

Planner Ragsdale answered he does have it and it should have been included on the list of definitions. He said the coastal high hazard area is a reference to the SLOSH model, which is from a formula the State has and has changed the coastal high hazard area significantly. He said the State changed the definition a few times affecting where the coastal high hazard area is located, but now the State uses the velocity zone for a hurricane.

Alternate Member Flanagan asked where the coastal high hazard area is located.

Planner Ragsdale said it is a virtually a strip along the coastline and a little bit along the river. He said it is on a map in the Comprehensive Plan.

The board discussed the definition of "COMMERCIAL STRUCTURE."

Planner Ragsdale said in the definition they need to make a distinction between zoning regulations and building regulations.

The board discussed the definition of "CONDIMINIUM."

Chairman Campbell said they need a multi-family structure definition.

Planner Ragsdale said he will find out how condominium is used in the code.

The board discussed the definition of "CONSTRUCTION."

Chairman Campbell asked why Planner Ragsdale wants to use the word development instead of construction.

Planner Ragsdale answered for consistency in the Comprehensive Plan and the code.

The board discussed the definition of "COURT."

Vice Chairman Dieterle asked why the phrase unoccupied space is used and said if a fourth wall is put up to enclose the area it becomes an expansion of the house.

Planner Ragsdale answered when they get to the code references it may make more sense.

Alternate Member Belsten read the definition of occupied and said Chairman Dieterle wants to get rid of the word unoccupied.

Planner Ragsdale said they shouldn't include regulations in the definitions and he will find references to clarify the definition.

The board discussed the definition of "CURTESY NOTICE."

Town Attorney Gougelman said they should include the phrase, "or this code," after the phrase "not required by law." He said the words Board, Commission, and Town Commission should be lower case. He said the word *mailing* and *mail* should be changed to *giving* and *give*.

The board discussed the definition of "DEVELOPMENT."

Chairman Campbell said he realized the definition of "development" is from the State and asked if it should stay intact.

Town Attorney Gougelman answered yes and said the word development is mentioned in many places and the second half of the definition explained what development is not. He gave a couple examples of litigation over the definition. He said they can add to it and change it, but they should not remove it.

Chairman Campbell said the definition mentioned the word "construction," and said they need to keep the previous definition of "construction."

Planner Ragsdale said he will take a look at it.

Chairman Campbell said demolition is also considered development.

Town Attorney Gougelman said development can be destroying as well as building.

Planner Ragsdale said the definition of “development” is a catch all definition.

Town Attorney Gougelman said change of ownership or form of ownership is not development.

The board discussed the definition of "DEVELOPMENT ORDER.”

Planner Ragsdale said they need more than one definition of “development order.”

Town Attorney Gougelman said the definition should say a development order is the denial of a development permit in addition to the granting of a development permit. He said in 2009 it was decided that when a development permit is denied, a reason must be given.

The board discussed the definition of "DEVELOPMENT PERMIT.”

Town Attorney Gougelman said it is important to include, “or any other official action of local government,” in the definition.

The board discussed the definition of "DIRECTLY ACCESSED.”

Town Attorney Gougelman said this word is in Chapter 3, Concurrency regulations and was adopted from the City of Melbourne’s concurrency section.

Chairman Campbell asked what it meant.

Town Attorney Gougelman answered when measuring concurrency you can set up concurrency management program.

Planner Ragsdale said when there is a parcel of land with a side street it has direct access to A1A, for example. He said it is not applicable in Town, but he will look at it in more detail.

The board discussed the definition of "DURATION.”

Chairman Campbell asked if there should be a modifier.

Planner Ragsdale said it is in reference to rainfall duration.

The board discussed the definition of "DWELLING, MULTIPLE-FAMILY.”

Town Attorney Gougelman said they should reword it to “Multi-Family Dwelling and to unstrike the word *more*.

Planner Ragsdale said this definition is for zoning, not building. He said commercial structure needs to be explained more to differentiate it from multi-family dwelling.

Town Attorney Gougelman said they need to fix the definition of duplex.

The board discussed the definition of "EVENT."

Chairman Campbell asked what kind of event it was referring to.

Planner Ragsdale said it refers to a storm event.

The board discussed the definition of "EXISTING."

Chairman Campbell asked why Planner Ragsdale wrote what he wrote.

Planner Ragsdale answered it applies to storm water only in this instance and needs to be broadened to include other definitions of existing because it is used in other places in the code.

The board discussed the definition of "EXISTING GRADE."

Chairman Campbell asked why August 1, 2006 was included in the definition.

Planner Ragsdale answered so that they had a reference date.

Vice Chairman Dieterle asked it this is the date when there was discussion about the homes that were above 18" above the crown of the road.

Planner Ragsdale answered yes.

The board discussed height requirements and its history.

Planner Ragsdale said he will look more into the definition.

The board discussed the definition of "EXTREMELY LOW INCOME HOUSEHOLDS (FORMERLY KNOWN AS POVERTY LEVEL HOUSEHOLDS)."

Chairman Campbell asked why (FORMERLY KNOWN AS POVERTY LEVEL HOUSEHOLDS) was there.

Planner Ragsdale said it is there for informational purposes only and will be removed.

The board discussed the definition of "FAMILY."

Town Attorney Gougelman said this definition violates the fair housing act and explained why.

Planner Ragsdale said he will bring research and said the definition is an issue.

The board discussed the definition of "FENCE."

Vice Chairman Dieterle asked why a wall wasn't included in the definition of fence.

Planner Ragsdale found a definition for wall and said he will incorporate wall into the definition of fence.

The board discussed the definition of "FINAL DEVELOPMENT ORDER."

Planner Ragsdale said they may not need this definition since there is a building permit definition, but he will look into it.

The board discussed the definitions of "FLOOD HAZARD BOUNDARY MAP (FHBM)" and "FLOOD INSURANCE RATE MAP (FIRM)."

Chairman Campbell asked if these words are still used or consolidated.

Planner Ragsdale said he will look into it.

The board discussed the definition of "FLOOR AREA RATIO."

The board discussed the definition of "FRONT BUILDING LINE."

Chairman Campbell asked Planner Ragsdale to explain his comment on this definition.

Planner Ragsdale answered he wanted to make sure it is clear what the front building line is. He said when the words are seen in context it will be easier to understand the definitions.

The board discussed the definition of "FUNCTIONAL CLASSIFICATION."

Planner Ragsdale said it needs roadway as its modifier.

The board finished the discussion of the definitions at the end of the letter "F" definitions.

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

Interim Town Manager suggested that the board review the code on signs to revise the requirement that the sign be limited to a percent of the area of the face of the property instead of the linear feet of the face of the property.

VIII. ADJOURNMENT

Motion made to adjourn by Alternate Member Belsten; seconded by Member Davis. Question called; motion carried 5-0.

Meeting adjourned at 8:41 p.m.

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Jennifer Howland	David Campbell
Deputy Town Clerk	Chairman