

TOWN OF MELBOURNE BEACH
SPECIAL EXCEPTION APPLICATION
SUBMITTAL CHECKLIST

Submittal Requirement	Provided	Date
Fully completed application form		
\$1,000 Application Fee (adopted 02/20/2008)		
Mailing Labels for addresses within 500 feet of the property		
Deed		
Letter of authorization if applicable		
Sealed and signed survey		
Sealed and signed plans (12 copies)		
Written description of special exception (12 copies)		
Other support information, if applicable (12 copies)		
Attachment to application form addressing special exception issues (12 copies)		

SPECIAL EXCEPTION APPLICATION

**Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951-2523
(321) 724-5860 / Fax (321) 984-8904**

PLEASE READ THOROUGHLY

This is to assist you in applying to the Board of Adjustment for a special exception. The special exception process is explained more completely in the Melbourne Beach Code of Ordinances in Sections 7A-152(c). The Code of Ordinances is available on the Town website found at www.melbournebeach.org/. You may wish to consult this section, as well as obtain services of an attorney, engineer, architect, real estate professional, planner, or another professional, to assist with completing this application. This information is intended to provide a summary only.

WHO MAY APPLY FOR A SPECIAL EXCEPTION

The owner or owners of at least 75% of the property described in the application; the tenant or tenants, with the owner's sworn-to consent; duly authorized agents evidenced by a written power of attorney; Town Commission; Planning and Zoning Board; or any department or agency of the town may initiate a special exception application.

A copy of the deed showing ownership must be attached to the application. If tenants, attorneys, engineers or others act as an agent for the owner, the owner's signature must be on the application and a letter of authorization from the property owner must be attached to the application.

COMPLETING THE APPLICATION

Please address all issues identified on the application. Reference to a site plan is not considered a complete response to the issue. Applications that address issues by reference to a site plan only refer will not be accepted. Only completed applications that include the necessary supporting information will be accepted. Submit the application, supporting information and the \$1,000.00 application fee to the Town Clerk. Please make checks payable to the Town of Melbourne Beach.

APPLICATION FILING DEADLINE

Complete applications will be accepted no later than 5:00 p.m. forty five (45) days prior to the Board of Adjustment meeting date when the applicant desires the application to be considered. The regular meeting date for the Board of Adjustment is the 3rd Thursday of each month at 6:30 P.M. in the Community Center. The exact dates of the meeting can be verified with the Town Clerk (321 724-5860). If an application is determined to be incomplete and revisions are not accomplished and the application resubmitted by the deadline, the hearing of the application will be postponed until if the next regularly scheduled meeting of the Board of Adjustment.

NOTICE

. Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which a special exception is sought or his agent shall be notified by certified mail. Notice of such hearing shall be posted on the property for which a special exception is sought, at the Town Hall, and shall be published in a newspaper of general circulation within the Town. A courtesy notice shall be mailed to the property owners of record within a radius of 500 feet. The town's failure to mail or the fact that the intended recipient shall not receive a courtesy notice shall in no way invalidate any action taken by the town or its Boards and Commissions.

BOARD OF ADJUSTMENT MEETINGS

The Board of Adjustment meetings are public hearings. If you wish to appeal any determination of the Board of Adjustment, you will need a verbatim transcript of the record and copies of all evidence presented. It will be your responsibility to make arrangements for the preparation of that verbatim record at your expense.

GENERAL PROCEDURES OF THE BOARD OF ADJUSTMENT

If you intend to show the Board of Adjustment drawings, photographs, copies of documents, maps, or other instruments, you will need to leave those instruments with the secretary to the Board at the hearing. By law, those instruments become public records and can NOT be returned to you.

You may appear at the public hearing in person or be represented by an authorized agent or attorney. If you cannot attend the public hearing, you should make arrangements to have an authorized representative (authorization in writing and notarized) appear on your behalf as the application can be acted upon by the Board even in your absence. Prior to the meeting you should also notify the Town Clerk's office of your absence and who will appear on your behalf.

The Board of Adjustment may continue the public hearing until a future date if in its sole discretion, it needs further information or research on your application. The Board of Adjustment is not obligated to continue a public hearing however.

You may bring witnesses to testify on your behalf. Your presentation and witness testimony should relate directly to the special exception and whether your application satisfies the standards set forth in Section 7A-152(d) 8.

Members of the public in favor or in opposition to your application may appear and testify at the hearing. Although the Board of Adjustment has the power to vary the order of presentation, generally the Board will ask the applicant and applicant's witnesses, if any, to make a presentation. After your presentation members of the public are allowed to address the proposed special exception. After public input, the Board of Adjustment may allow you to present argument in rebuttal to comments from the public. Staff members attending the meeting are there for the purpose of providing technical information to the Board of Adjustment.

It is not the role of staff to assist you with obtaining a special exception.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed to be a violation of this Land Development Code and punishable as provided by this code. The Board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

APPLICATION SUBMITTAL REQUIREMENTS

- 1) A fully completed special exception application form.
- 2) \$1,000 application fee
- 3) Mailing labels for all addresses within 500 feet of the property. (These are obtained from the Brevard County Property Appraiser's Office.)

REQUIRED SUPPORTING INFORMATION

In order to properly review your application, certain supporting information is necessary. A description of this supporting information follows. You may also submit any additional information that you feel would support the application.

Twelve copies of the following shall be submitted with all Special Exception applications in order for the application to be considered complete:

- 1) A copy of the deed showing ownership of the property that is the subject of the variance request.
- 2) A letter of authorization from the property owner, if the owner is not the applicant.
- 3) A sealed and signed survey
- 4) Sealed and signed and legible plans illustrating the details of the special exception request. The plans must be on 8 1/2" X 11" paper. Additional copies of plans may be submitted on larger sized paper if desired by the applicant. Plans shall include, where applicable, but not be limited to, the following specifications and information:
 - A) Lot and/or building site lines with dimensions and existing and proposed setbacks (including accessory structures);
 - B) Location of structures, decks, pools, drives, parking spaces, water and electric meter locations, air conditioning units, exterior mechanical and pool equipment, and the types of screening of those items;
 - C) Location of easements, water courses, and other essential site features;
 - D) Location and width of existing or proposed streets or other public ways and pedestrian walks abutting the site;
 - E) Site Data:
 1. Land area
 2. Zoning
 3. Height of existing and/or proposed structure
 4. Building area in square feet
 5. Paved area in square feet
 6. Landscaped area in square feet
 7. Amount of required parking spaces
 8. Amount of existing parking spaces;
 - F) Adjacent area information:
 1. Names and addresses of adjoining property owners
 2. Current zoning
 3. Sketch of approximate location of adjacent structures (with measurements)
 4. A vicinity map obtained from the Brevard County Property Appraiser's Office.
 - G) Describe the existing conditions at the site of the proposed special exception and what you are proposing to accomplish at the site.

- H) Complete architectural drawings of all faces of a building and an overhead view shall be submitted with all special exception applications that include a new building(s), façade renovations, or substantial improvements to an existing building. The drawings shall be submitted in color and at the minimum shall include:
1. Architectural Style
 2. Exterior construction material specifications
 3. Color charts
 4. A site plan (*see* §7A-51)
 5. Structure dimensions and setbacks from all property lines
 6. Refuse service area location
 7. Mechanical outdoor equipment location
 8. Master outdoor lighting plan
 9. Screening devices
 10. Master signage plan
 11. Master landscaping plan
 12. Wall or Fence details
 13. Other information determined necessary by the Town to ensure consistency with the purpose and intent and the provisions of the Land Development Code
- I) Applications that propose a change of use in an existing building to a special exception use where architectural changes are not required or planned shall not be subject to architectural requirements with the exception of paint color. The building and site shall be retrofitted to meet other special exception criteria to the extent determined by the board.
- J) Other information determined necessary by the Town to ensure consistency with the purpose and intent and the provisions of the Land Development Code. Specific requirements are found in section 7A-152(c)(3) and in section 7A-52 relating to signage, section 7A-53 relating to walls and fences; and section 9A relating to landscaping and trees, all in the land development code.
- K) Provide a detailed description of the proposed special exception, and how the use and the development will be compatible with surrounding uses in its function, its hours of operation, the type and amount of traffic to be generated, building size and setbacks, its relationship to land values and other factors that may be used to measure compatibility.
- L) Provide additional backup material or exhibits or studies that you feel will support your application.

SPECIAL EXCEPTION APPLICATION

Application # _____

I request a hearing regarding the terms of the Zoning Ordinances of the Town of Melbourne Beach. This request relates to the property and zoning requirements set forth in this application.

1. PROPERTY ADDRESS _____
2. PROPERTY OWNER _____ PHONE _____
3. OWNER ADDRESS _____
4. APPLICANT _____ PHONE _____
5. APPLICANT ADDRESS _____
6. RELATIONSHIP OF APPLICANT TO OWNER [i.e. same, attorney, engineer, architect, etc.]

7. PROPERTY PARCEL ID NUMBER _____
8. FULL LEGAL DESCRIPTION OF THE PROPERTY [as described in the deed]: _____

9. ZONING DISTRICT _____
10. SPECIAL EXCEPTION REQUESTED _____

11. TOWN CODE SECTION(S) INVOLVED _____
12. HAS THIS REQUEST BEEN BEFORE THE BOARD PREVIOUSLY? Yes / No Date:
13. WILL THIS CASE APPEAR BEFORE THE PLANNING & ZONING BOARD FOR APPROVAL?
Yes / No

I give permission to the members of the Board of Adjustment and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information, and I understand that willful false statements and the like are misdemeanors of the second degree under Section 837.06, Florida Statutes. Such willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the Board procedures and application requirements. With this application I am submitting the necessary supporting materials listed.

Owner's Signature _____ Date _____

REQUIRED ATTACHMENT TO THE SPECIAL EXCEPTION

APPLICATION

Before any special exception shall be issued the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

Information you provide will assist the Board of Adjustment to determine whether your application meets the minimum criteria for obtaining a special exception as described in Section 7A – 150 through 7A – 156 of the Code of Ordinances. Use additional pages if necessary. **The Board of Adjustment will not consider reference to a site plan a complete response to the issue.**

Address the issues one at a time and be as detailed as possible. Attach additional sheets if necessary.

- a. **Architectural style.** Building design and construction, including but not limited to, exterior building materials specifications, shall conform to the Bungalow, Frame Vernacular, 1800's Tidewater Style, Key West, or Gothic Revival architecture. Other historical architectural styles may be permitted upon application to the board of adjustment, if the applicant demonstrates and the board of adjustment determines that the utilization of such style contributes positively to the historic character of the Town and is consistent with the intent of the land development code. Examples of architectural style shall be available in the office of the building official.

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- b. **Compatibility.** The special exception, as depicted on the development plans, is compatible with adjacent and nearby uses, developments, structures, and neighborhoods and will not alter the character of the community and neighborhood or be contrary to emerging development trends in the community and the neighborhood.
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c. **Building orientation.** Buildings shall be oriented so as to enhance the appearance of the streetscape.

1. All facades of a building that face a road shall have an entrance to the building that is parallel to the roadway. The building shall not be limited to entrances facing roadways. Alternative entrances facing parking lots, driveways, or open space are permitted. The entrance to the building shall face parallel to the public right-of-way.
2. Each façade that is visible from a public right-of-way shall be designed with full architectural treatment including door and window placements, façade architectural treatments and detail, roof design, and building materials applications necessary to give the appearance that each visible façade is a primary façade.
3. The architectural treatment requirements shall also be applied to any building façade that is situated where it is clearly visible from a public area of an adjoining site, unless the town board of adjustment allows landscape buffering to serve as an alternative to the architectural treatment.
4. Building orientation shall ensure that service areas are placed out of view from public rights-of-way, parking areas, and adjacent properties. Where, because of site constraints service areas can not be so located, such areas shall be screened from view by vegetative or structural means. Any structural screening shall be architecturally compatible with the principal building in terms of style, colors, construction materials, and finish.
5. Mass, bulk, and scale of all structures shall be compatible with other structures and uses both in the same zoning district and in the neighborhood.

d **Exterior materials and colors.** Exterior building materials and colors contribute significantly to the visual impact of a building on a community which in turn, reflects upon the visual character and quality of a community. In order to project an image of high quality town aesthetics, exterior building materials and colors shall conform to the following requirements:

1. All buildings shall be faced with materials that exhibit a durable, high quality appearance.
2. Acceptable exterior facing materials shall include those that are consistent with the architectural style of the building.
3. Exterior colors shall be historically consistent colors used along Ocean Avenue. These colors are dominated by pastels and shades of white. Accent colors and colors consistent with the proposed architectural style may be approved if determined to be compatible with the character of surrounding and nearby structures.
4. Building materials and colors shall be consistent around the entire building. The application may include proposed exceptions to this requirement. The board of adjustment may grant exceptions, if it is demonstrated that the proposal remains compatible with the Ocean Avenue corridor and adjacent residential uses.
5. Once a final development plan has been approved a change in color(s) shall be made only after application to and approval by, the board of adjustment.

- e. **Roof design.** Roofs are an integral part of building design, and shall be designed and constructed to compliment the character of the building. Roof design and construction shall conform to the following requirements:
 - 1. Roofs shall be constructed of durable high quality material in order to enhance the appearance and attractiveness of the town. Roofing materials shall be similar in appearance with materials that are historically consistent with the architectural style of the building.
 - 2. The design of roof structures shall be consistent with the architectural style of the building and shall extend to all sides of the building.
 - 3. Roofs shall be designed to be of a height, bulk, and mass so as to appear structural even when the design is non-structural.

- f. **Refuse service areas**
 - 1. Refuse service areas shall be located in a manner that minimizes impacts to adjacent residential properties.
 - 2. Refuse service areas shall be screened from adjacent properties and rights-of-way by an enclosure that is constructed of durable building materials such as concrete, stone, or brick. The enclosure shall be faced with the same style as the façade of the primary structure on the site. The gate to the enclosure shall have a similar appearance as the façade of the building. The enclosure shall be the same color as the primary structure.
 - 3. Enclosures shall be large enough and located in a manner that service vehicles can access the dumpster while it is in the enclosure.

- g. **Mechanical equipment operation and location.**
 - 1. Mechanical equipment shall be located in a manner that minimizes impacts to adjacent residential properties.
 - 2. Mechanical equipment, including equipment located on roofs shall be screened from view of adjacent residential properties and rights-of-way. Screening shall be of a material that is consistent with the architecture of the building.

- h. **Lighting.**

1. Outdoor lighting shall be arranged so that the light source is shielded from adjacent residential properties and rights-of-way. Light fixtures shall a type that directs the light downward.
2. Outdoor lighting shall be arranged so that no portions of adjacent residential properties are covered by the light shadow. There shall be no glare or spillover effect of lighting from the property on which a special exception is approved to adjacent properties, and all lighting shall comply with Section 46-91 through 46-97, Brevard County Code, relating to safeguarding nesting female and hatchling marine turtles from sources of artificial light.

- i. **Landscaping and trees.** Landscaping and trees are subject to specific requirements for special exceptions found in chapter 9A of this land development code.

- j. **Signs.** Signs are subject to specific requirements for special exceptions found in section 7A-52 of this land development code

- k **Walls and Fences.** Walls and fences are subject to specific requirements for special exceptions found in section 7A53 of the land development code

1. Comprehensive Plan. No special exception shall be granted unless it is first determined by the board of adjustment that the special exception and development plans are consistent with the comprehensive plan. A special exception shall not be presumed to be consistent with the comprehensive plan merely because it is listed in the land development code as a special exception in a given zoning district.

Additional Notes: