

Town of Melbourne Beach

MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY JULY 7, 2020 @ 7:00pm COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Chair David Campbell

Member Kurt Belsten

Member April Evans

Member Douglas Hilmes

Member Daniel Gonzalez

Alternate Member Libby Brown-Brock

Alternate Member/School Board Representative Christian Lindbaek

Staff Members:

Town Manager Elizabeth Mascaro

Interim Town Clerk Jennifer Torres

Town Attorney Clifford Repperger

Notice: Commission discussion and possible action may occur during any Commissioner Meeting. The following sections of the Agenda are always subject to such discussion and possible action without further motion by the Commission: Changes to the Agenda, Public Hearings, Old Business, and New Business.

The public is advised that members of the Town Commission may be in attendance and participate in proceedings of the board. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

I. CALL TO ORDER

Chairman Campbell called the meeting to order at 7:00 p.m.

II. ROLL CALL

Town Clerk Torres conducted the roll call:

Present:

Chairman Campbell
Member Belsten
Member Evans
Member Hilmes
Member Gonzalez

Staff Present:

Town Manager Mascaro
Town Clerk Torres
Town Attorney Repperger

III. APPROVAL OF MINUTES – June 2, 2020

Member Belsten moved to approve the minutes from the June 2, 2020 meeting; Member Hilmes seconded; Motion carried 5-0.

IV. PUBLIC HEARINGS

- A. Ordinance 2020-03, amending Section 7A-67, Appendix A, Town Code of Melbourne Beach, Florida (Land Development Code).

Town Attorney Repperger read Ordinance 2020-03.

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF MELBOURNE BEACH REGARDING TRAILERS, BOATS AND RECREATIONAL VEHICLES; AMENDING SECTION 7A-67; AMENDING THE MAXIMUM LENGTH OF TRAILERS, BOATS, AND RECREATIONAL VEHICLES OR COMBINATION THEREOF STORED ON ANY LOT WITHIN THE TOWN TO FORTY-FIVE (45) FEET; PROVIDING THAT TRAILERS, BOATS, AND RECREATIONAL VEHICLES MAY BE CONNECTED TO ELECTRICAL POWER SOURCES FOR MAINTENANCE PURPOSES; AMENDING THE CONDITIONS FOR STORAGE OF TRAILERS, BOATS, AND RECREATIONAL VEHICLES ON CORNER LOTS TO REQUIRE SAID TRAILERS, BOATS, AND RECREATIONAL VEHICLES TO BE SUBSTANTIALLY SCREENED BUT NOT COMPLETELY SHIELDED FROM VIEW; PROVIDING THAT EXTERNAL SIDE-ROOM EXTENSIONS ON RECREATIONAL VEHICLES CAN ONLY BE EXTENDED FOR LOADING AND UNLOADING; AMENDING THE ALLOWABLE PERIOD OF ACTIVE LOADING AND UNLOADING OF TRAILERS, BOATS, AND RECREATIONAL VEHICLES TO FORTY-EIGHT (48) HOURS IN ANY SEVEN (7) DAY PERIOD; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE

Chairman Campbell had a question in reference to page 3, section C, paragraph 1, loading and unloading...exceeding 45-feet. Town Attorney Repperger explained the section and Chairman Campbell agreed to leave the wording as is.

Member Gonzalez asked if the word “necessarily” could be added to wording on

page 3 to a sentence that read “substantially screened but not completely shielded.” He suggested that it read “substantially screened but not **necessarily** completely shielded.” The Board unanimously agreed to let the Town Attorney make the edit.

Member Belsten pointed out a spelling error.

Member Hilmes had a question about the title. He wanted to make sure the intent was clear. He asked if the intent is that the maximum combined length of boats, RVs and trailers is 45-feet or that - separately - they can each be 45-feet. He suggested the word “or combination thereof” is removed from the title to avoid confusion. There was some discussion and the Board unanimously agreed to ask the Town Attorney to make the edit.

Member Belsten said he wasn’t clear on what “substantially screened” meant. Town Attorney Repperger said – that in practice - it means where we have a code compliant fence - a boat or RV is substantially screened if only the very top part of the boat on trailer or RV is exceeding the fence line. It is often a matter of interpretation for the Code Enforcement Officer.

Member Belsten asked what the penalty is for not substantially screening.

Town Attorney Repperger said that if they determine there is a violation, it would probably be a \$25-\$50 per day fine.

Public Comments – None

Member Gonzalez moved to recommend approval of Ordinance 2020-03 as amended to the Commission; Member Evans seconded; Motion failed to carry by 3-2 vote with Member Evans, Member Belsten, and Member Hilmes in dissent.

Member Hilmes moved to recommend denial of Ordinance 2020-03 to the Commission; Member Evans seconded; Motion carried 3-2 with Chairman Campbell and Member Gonzalez in dissent.

Town Attorney Repperger asked if the Board wanted to make any statements as to why they recommended denial.

Chairman Campbell said he knows that at the previous meeting there were members who wanted to separate boats and RVs.

Member Evans said she asked the Town Commission to look at splitting them.

Town Attorney Repperger asked if the issue of those opposed to the Ordinance is with the size allowed for RVs.

Member Hilmes stated that he was in favor of the Ordinance as it related to boats because it's a waterfront community where you expect to see boats – and boats extend only slightly above the fence line – whereas the RVs need tighter restrictions because the RVs he's seen are massive and if one was next door to his residence it would block half his view of the river.

Town Attorney Repperger indicated that at the last Town Commission meeting he asked the Commission if they wanted to split boats and RVs and they indicated they did not.

Member Hilmes said he was at that meeting and even though they had originally indicated they would split them up – they ultimately made the rules and determinations for each the same - so there was no sense in splitting them up anymore.

Member Belsten said a 45-foot RV is like having a greyhound bus next to your house.

Member Gonzalez said he didn't agree and thought it didn't matter whether it was a boat or an RV – so he had no problem with the Ordinance as is.

Public Comments

Scott Fishman
Did not indicate address

Mr. Fishman said he has a boat so the issue is important to him and he wanted to clarify the loading and unloading period allowed. Member Hilmes said it currently says 48 hours in any seven day consecutive period.

V. NEW BUSINESS

A. Site Plan Review for 408 Fifth Avenue, Melbourne Beach

This project is an addition to the primary structure of an open porch.

Member Evans moved to approve the site plan for 408 Fifth Avenue; Member Belsten seconded; Motion carried 5-0.

B. Site Plan Review for 410 Fourth Avenue, Melbourne Beach

This project is an addition and carport to a single primary family dwelling.

Member Gonzalez moved to approve the site plan for 410 Fourth Avenue; Member Hilmes seconded; Motion carried 5-0.

C. Site Plan Review for 509 Sunset Boulevard, Melbourne Beach

This project is for a new single family dwelling as a principle use. Town Manager Mascaro said she wanted to bring to the attention of the board that this property was a subdivision of 509 Sunset and when the original lot was subdivided, the owner of 509 Sunset gave this property their address of 509 Sunset so, she said, when you go to the Property Appraiser's office, this property is listed as 509 Sunset but the residents next door have no address. Town Manager Mascaro said she contacted the County and 911 to sort it out and at this point they are not sure who will keep the address of 509 Sunset.

Member Evans moved to approve the site plan for 509 Sunset Boulevard; Member Belsten seconded; Motion carried 5-0.

VI. OLD BUSINESS - None

VII. PUBLIC COMMENT - None

VIII. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

Town Manager Mascaro said SafeBuilt Building Official Rob Perry has been moved to the Tampa area and John Stone is the new Building Official.

No Town Attorney report.

IX. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS
None

X. ADJOURNMENT

Member Belsten moved to adjourn; Member Hilmes seconded; Motion carried 5-0.

Meeting adjourned at 7:31 p.m.

ATTEST:

David Campbell, Chairman

Jennifer Torres, Town Clerk