

Town of Melbourne Beach

PUBLIC NOTICE

DRAFT MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY JUNE 4, 2019 @ 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:

Interim Town Manager Elizabeth Mascaro

Town Clerk Nancy Wilson

Town Attorney Clifford Repperger

Town Planner Corey O’Gorman

I. CALL TO ORDER

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

II. ROLL CALL

Town Clerk Wilson led roll call:

Present:

Chairman David Campbell
Member Kurt Belsten
Member April Evans
Member Daniel Gonzalez
Alternate Member Libby Brown-Brock

Staff Present:

Interim Town Manager Elizabeth Mascaro
Town Clerk Nancy Wilson
Town Attorney Cliff Repperger
Town Planner Corey O’Gorman

Absent:

Member Doug Hilmes

III. APPROVAL OF MINUTES

May 1, 2019 Planning and Zoning Board minutes

Member Belsten made a motion to approve the May 1, 2019 minutes as presented; Member Gonzalez seconded. Motion carried 5-0.

IV. PUBLIC HEARINGS

V. NEW BUSINESS

Site Plan Review for 306 3rd Avenue, Melbourne Beach

Chairman Campbell said the site plan meets height, footprint and setback requirements for both the accessory structure and the addition.

Member Belsten made a motion to approve the May 1, 2019 minutes as presented; Member Evans seconded. Motion carried 5-0.

VI. OLD BUSINESS

A. Review lot coverage study prepared by Member Gonzalez

Member Gonzalez prepared a study that provided data from 34 site plans. Included in the study was the lot coverage percentage for principle structures, accessory structures and pools; for pools, he performed rough estimates. Sheds were not included in the calculations nor were driveways. Mr. Gonzalez explained how to interpret the data and diagrams. From the sampling of data provided, in order to adhere to the current maximum lot coverage value of 30%, 7% of the properties would be non-conforming. The

purpose of the study was to help determine if the lot coverage value needed to be raised to 35-40% to minimize the number of properties that would become non-conforming. At 35%, 99.4% of the properties are conforming. Currently, only the primary structure is included in the maximum lot coverage figure. Member Evans commented that building has become more elaborate with outside kitchens, cabanas, etc. so lot coverage has become a more important issue.

Town Planner O’Gorman said that the real issue is the impervious area of property and if you want to limit that amount. He added that an amendment could be approved that added in accessory structures and adjust the percentage of lot coverage to 35% then address impervious areas on the other end to deal with driveways, patios, etc.

Member Evans said that problems occurred with certain driveways because people would claim that their pavers were pervious. Member Belsten said before the Board recommends a maximum lot coverage, we should define what is considered pervious and what isn’t. Town Attorney provided the definition of impervious surface from our Code:

A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, parking lots, wet pond surface areas at normal or control elevation and other similar non-porous surfaces.

Member Gonzalez said that given the setbacks we already have in place, a lot of the lot coverage issues are taken care of.

After considerable conversation, the Board members felt that increasing lot coverage to 35%, to include the primary structure and all accessory structures , would cover most properties in Town.

Member Belsten asked the Town Planner what other municipalities are doing to which Mr. O’Gorman said it varies greatly from municipality to municipality. He does see 30% - 35% maximum lot coverage frequently. Typically, he doesn’t see lot coverage definitions that include more than the primary structure but he has seen it. He also sees limitations on impervious surfaces and drainage plan requirements that necessitate calculations to ensure the post-development drainage doesn’t exceed pre-development drainage and neighboring properties aren’t affected. In his experience, it really depends on local conditions.

B. Discussion of draft proposed lot coverage ordinance

Town Attorney Repperger walked the Board members through the ordinance changes. The first change was to the definition of Lot Coverage on page 2:

That portion of any lot, parcel or tract of land which is covered by the principal structure and/or accessory structures as indicated by zoning district regulations.

Chairman Campbell recommended that the word *or* be removed from the sentence above.

On page 3, the Town Attorney is suggesting that the maximum lot coverage percentage for principal and utility structures (not sheds) be amended to an amount over 30% in all single family residential districts. Similarly, the maximum impervious area percentage per lot should be determined. Though he thought member Gonzalez's study was very well done and informative, it was based on a limited sampling of site plans and he doesn't know how that translates to existing properties. His primary fear with the ordinance is that if maximum lot coverage remains 30% or it's not raised enough, we'll be creating non-conformities.

Member Belsten asked the Town Attorney to read the definition for accessory structure:

A permanent building or structure, subordinate to and located on the same lot with a principal building, the use of which is clearly incidental to that of the principal building and which is not attached by any part of a common wall or common roof to the principal building.

Setbacks for accessory structures (7A-57) were reviewed. Chairman Campbell asked the other Board members what the maximum lot coverage should be and if they liked the proposed ordinance.

There was consensus to forward this issue to the Town Commission for input with the suggestion to leave the lot coverage maximum at 30% and to leave the maximum impervious area percentage at 70 with all structures on the property to be included in that percentage. The Town Commission's primary concern is that there's a provision to capture detached garages which would be accomplished in in the maximum impervious area percentage.

VII. PUBLIC COMMENT

No public comments

VIII. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

Town Attorney Repperger said that as a final note on lot coverage, the

meeting for Town Commission is on June 26th so the Planning & Zoning Board may not see the lot coverage ordinance in July. In December 2018, there was a discussion about drafting a residential lighting ordinance and Mr. Repperger is working on a concept draft for that; he didn't receive much input from the Commission about what they are looking for. The request precipitated from light from a neighbor's yard spilling over to the property next door. He provided lighting ordinances from four other government entities: Satellite Beach, Brevard County, West Melbourne and Cocoa Beach; he liked Satellite Beach's. The Town Attorney had a draft prepared but wanted input from the Planning & Zoning Board members before finalizing it; specifically, if the Town needs to follow a specific standard with regard to residential lighting. In other words, is there anything they would like to see addressed regarding residential lighting or would a catch-all be OK, such as "intrusive lighting" which might be difficult to enforce. The Board members agreed that any ordinance regarding lighting be written as simply as possible while still being enforceable.

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

Readdress lot coverage.

X. ADJOURNMENT

Member Belsten made a motion to adjourn; Member Evans seconded.
Motion carried 5-0.

Meeting adjourned at 8:17 p.m.

ATTEST:

David Campbell, Chairman

Nancy Wilson, Town Clerk