

Town of Melbourne Beach

MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY MARCH 3, 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

Staff Members:

Town Manager Elizabeth Mascaro
Building Assistant Beth Crowell
Town Attorney Clifford Repperger
Town Planner Corey O’Gorman

I. CALL TO ORDER

Chairman Campbell called the meeting to order at 7:02 p.m.

II. ROLL CALL

Building Assistant Crowell led roll call:

Present:

Chairman Campbell
Member Belsten
Member Gonzalez
Member Evans
Member Hilmes

Staff Present:

Town Manager Mascaro
Town Attorney Repperger
Building Assistant Beth Crowell

III. APPROVAL OF MINUTES

A. February 4, 2020

Member Belsten made a motion to approve the minutes from the February 4, 2020 meeting; Member Evans seconded. Motion carried 5-0.

V. NEW BUSINESS

A. Site Plan Review for 1904 Rosewood

This project is an addition to a single family home. Lot area, lot coverage, maximum height and setback requirements were met.

Member Belsten made a motion to approve the site plan for 1904 Rosewood; Member Evans seconded. Motion carried 5-0.

VII. OLD BUSINESS

A. Discussion regarding section 74-67 of the Melbourne Beach Land Development Code

Chairman Campbell said he reviewed state of Florida restrictions of motor homes which limits them to 45-feet and trailers to 40-feet. Melbourne Beach Town Code currently limits trailers, boats and trailers to 26-feet. The Chairman feels this is outdated and asked the board to share their opinions.

Member Hilmes expressed concern with lumping boats and RVs into same category because of the difference in height. He believes the board should consider regulating them separately or institute a height limit. He pointed to the fact that a boat has very little protruding above a fence line but an RV has a sizeable amount above the fence line. He feels RVs are much more obtrusive to neighborhoods and property.

Member Hilmes has seen many RVs throughout town with some that are twice his own height and very imposing. Others are pushed up against the rear fence of the house pushing against the neighbor's property. He has no issue with increasing boat length because they are not as objectionable as RVs.

Member Hilmes said he reviewed the ordinance in Palm Beach and their maximum height is 12-feet. The ordinance there also contained a lot of verbiage about screening.

He said he does not want to restrict people from having an RV or a boat but it should not intrude on a neighbor.

Member Belsten pointed out he doesn't think length is the issue so much as where the RV is parked – behind the house or on the side of the yard.

Member Hilmes referred to a situation in town where a 45-foot RV is parked the front/side of a house, about 3-4 feet off property line - and when the homeowner extends out the RV sliders, the sliders are less than 10-inches from the fence line – and the issue of whether you are allowed to put sliders out when you are supposedly storing an RV needs to be addressed. We could require they are stored in a collapsed state which also prevents people from living in there.

Member Evans said that perhaps adding a discussion about height should be part of a future meeting agenda.

Member Belsten said separating the rules overseeing boats and RVs may be something to consider because he believes boats are less intrusive.

Member Hilmes said specific vegetative screening should also be required of RV owners.

Chairman Campbell asked Member Belsten to clarify if he wanted to require RV owners to have a vegetative screen to cover the structure.

Member Belsten said yes and other ordinances he's looked at recommended certain plants and require the vegetative screen has to grow in 2-3 years, with required setbacks to keep it from encroaching on neighbors

The Chairman then asked the board what they thought, saying that personally he did not see a need to separate them. He then asked for opinions on what the length limit should be.

Members Evans said she had no problem with the state limits of 45-feet.

Chairman Campbell turned the conversation to corner lot and said that right now the way it's being interpreted by town; you can't put an RV or a boat on the street-side corner of a corner lot without completely screening it.

Member Evans said she would have interpreted "screening" as the 6-foot fence she already has - or vegetation – but in her mind - the requirement was never meant to be interpreted as having to totally obscure the boat or RV, but she does think the Town should retain some type of screening requirement on those corner lots.

Member Hilmes suggested using a triangle method to preserve side lines so you don't block too much of the view of someone turning.

The Chairman read the current ordinance and in his opinion it does not require screening to completely shelter the RV or boat.

Member Evans said it appears to be a matter of interpretation and suggested they modify the wording to clarify.

Member Hilmes said in regard to screening he thinks some good suggestions and ideas on how to screen have been made and his main concern is not to impede on neighbor's property. He suggested the board move on and specifics on the topic can be raised at a future date.

Moving on, Chairman Campbell asked for input on the issue of RVs connected to utilities.

Member Evans said she thinks it should be electric only for running A/C, heat.

Chairman Campbell said currently it now says - except for the purpose of charging batteries. He said we could change that to - except for the purpose of vehicle maintenance.

Member Evens asked if running a dehumidifier was considered maintenance – and Chairman Campbell said he believes it is.

The Town Attorney agreed and said his understanding was that it limited use to electric only.

Member Hilmes said that's reasonable because with anything else you run the risk of people living in the RV.

Member Belsten said some of the towns have ordinances that vehicles must be registered and maintained in good order – and he felt that they should at least require a valid registration.

The board agreed to consider this.

The Chairman then opened the topic of time allowed for active loading and unloading of recreation vehicles for discussion.

The board agreed that 48 hours is reasonable and sufficient.

Member Hilmes asked about putting a limitation of how many times they can do this in a 30 day period and the board agreed not to add this in as it appeared to be micromanaging.

Member Hilmes went back to the topic of screening and felt verbiage for RV screening should include being concealed from the property line. Member Belsten and Chairman Campbell expressed concern over what material the screening would be made from.

Hilmes said doesn't want to take away someone's right to own an RV but wants to protect the rights of neighboring properties.

Member Evans understands Member Hilmes sentiment but feels it would be hard to

regulate.

Member Hilmes suggested a three-foot setback in order it to give code enforcement more teeth to deal with issues.

Member Hilmes asked Town Manager Mascaro why code enforcement was not more aggressive towards a property he feels is in violation with someone living in their RV.

Town Manager Mascaro responded that code enforcement has been to the property in question many times - as have the police department - on evenings, weekends – but there is no offense present anytime they have been out.

VIII. PUBLIC COMMENT

Sherrie Quarrie
701 Pine Street

Ms. Quarrie presented photos to the board and said she does not know how we would enforce an owner completely obscuring an RV or boat – no matter what size it is – they will not be obscured by a 6-foot fence. If you don't want to look at something your neighbor has then create your own landscaping. Making landscaping tied to RVs or boats is not a fair method. The person upset should be the person to fix it. Ms. Quarrie also says any registration process for RVs doesn't take into account guests and visitors and in relation to screening on a corner lots – it's not fair to make their standards higher. She felt that perhaps the idea of making fences higher should be considered.

Chris Schultz
Hibiscus Trail

Mr. Schultz said his biggest concern is maintaining the residential character of the town and changing the RV/boat length limit from 26-feet to 45-feet can adversely affect the property value of his home. He said he did think some revisions on corner lot should be made.

Joe Marchese
310 1st Ave.

Mr. Marchese said don't write anything you can't enforce.

Member Hilmes addressed the comment about making sure you can enforce the rules you write – he said we have to have rules or we have a free for all but we do have to make sure they are easy to enforce. He also addressed the idea of collapsing RVs when not in use so people are not

living in them – and state that they can be opened for maintenance but not overnight.

The Town Attorney asked for the board's recommendations for each item brought to them by the commission for consideration. The board did not address the issue of sheds.

Member Hilmes made a motion to recommend separating boats and RVs in the code; Member Belsten seconded the motion. The vote was 3 nays and 2 ayes. Motion failed.

Discussion concluded with the following proposed changes to Ordinance 7A-67:

- RVs parked on a corner lot must be shielded with fence or vegetative cover but the words “shelter from view” should be stricken.
- The board agreed to a maximum length for boats with trailers or RVs – or a combination of both - should be 45-feet.
- RVs should be connected to electric for purposes of maintenance only.
- Time allowed for loading and unloading boats and RVs is 48 hours.
- A new three-foot setback from the lot line for parking.
- Corner lots fence or vegetative cover must substantially shield from view – but not required to totally shelter from view.
- RVs should be stored in a collapsed state.

Member Gonzalez made a motion to recommend the Town Commission move forward to draft an ordinance that incorporates the suggested changes; Member Evans seconded. Motion carried 3-2 with Member Hilmes and Member Belsten dissenting.

IX. REPORTS: TOWN MANAGER AND TOWN ATTORNEY – No reports

Member Evans asked the Town Manager to ask the commission to consider separating boats and RVs.

X. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS - None

XI. ADJOURNMENT

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

The meeting adjourned at 8:38 pm

ATTEST:

David Campbell, Chairman

Jennifer Torres, Interim Town Clerk