

Town of Melbourne Beach

PUBLIC NOTICE

AGENDA

PLANNING & ZONING BOARD MEETING TUESDAY FEBRUARY 7, 2023 @ 6:30 pm COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Chairman David Campbell
Vice-Chairman Kurt Belsten
Member April Evans
Member Douglas Hilmes
Member Daniel Gonzalez

Alternate Board Members

Alternate Dan Harper
Alternate Gabor Kishegyi

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Clifford Repperger
Building Official Robert Bitgood

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.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. January 10, 2023 minutes

4. NEW BUSINESS

A. Site plan approval for 921 Oak St – Two-car attached garage

B. Site plan approval for 419 Riverview Ln – Room addition

C. Site plan approval for 404 Colony St – Porch addition

5. PUBLIC HEARINGS

A. Proposed Ordinance 2023-01 – Landscaping and Trees Section 9A
AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING; APPENDIX “A” OF THE TOWN CODE OF ORDINANCES OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 9A REGARDING LANDSCAPING AND TREES; SPECIFICALLY AMENDING SECTION 9A-4, PERMIT REQUIRED FOR CUTTING DOWN TREE; SPECIFICALLY AMENDING AND RENAMING SECTION 9A-5, APPLICATION FOR PERMIT; REVIEW OF APPLICATION; MINIMUM CONSTRUCTION STANDARDS; SPECIFICALLY AMENDING SECTION 9A- 6, ON-SITE INSPECTION; SPECIFICALLY AMENDING SECTION 9A-7, MINIMUM TREE PLANTINGS; SPECIFICALLY AMENDING SECTION 9A-10, EXCEPTIONS; SPECIFICALLY AMENDING SECTION 9A- 12, PENALTY; AMENDING ARTICLE IV, CHAPTER 7A, SUPPLEMENTARY DISTRICT REGULATIONS; SPECIFICALLY AMENDING SECTION 7A-53, FENCES AND WALLS; SPECIFICALLY AMENDING SECTION 7A-58, VISION CLEARANCE AT CORNERS; 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.

B. Proposed Ordinance 2023-02 – Second Kitchens
AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING; APPENDIX “A” OF THE TOWN CODE OF ORDINANCES OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING SECTION 1A-3 TO ADD THE DEFINITION FOR KITCHEN OR KITCHEN FACILITY; AMENDING CHAPTER 7A REGARDING SECOND KITCHENS; SPECIFICALLY AMENDING SECTION 7A-31, SECTION 7A-32, AND

SECTION 7A-33 TO PERMIT SECOND KITCHENS IN 1-RS, 2-RS, AND 3-RS ZONING DISTRICTS; CREATING SECTION 7A-72 TO PROVIDE SUPPLEMENTARY DISTRICT REGULATIONS FOR SECOND KITCHENS IN SINGLE FAMILY RESIDENTIAL DISTRICTS; 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.

6. OLD BUSINESS

7. PUBLIC COMMENT

Please limit comments to items that are not on the agenda

8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

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

10. ADJOURNMENT

Town of Melbourne Beach

MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY JANUARY 10, 2023 @ 6:30pm COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Chairman David Campbell
Vice-Chairman Kurt Belsten
Member April Evans
Member Douglas Hilmes
Member Daniel Gonzalez
Alternate Dan Harper
Alternate Gabor Kishegyi

Staff Members:

Town Manager Elizabeth Mascaro
Building Official Robert Bitgood
Town Clerk Amber Brown

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1. CALL TO ORDER

Chairman Campbell called the meeting to order at 6:31 p.m.

2. ROLL CALL

Town Clerk Amber Brown conducted the roll call

Present:

Chairman David Campbell
 Vice-Chairman Kurt Belsten
 Member April Evans
 Member Douglas Hilmes
 Member Daniel Gonzalez
 Alternate Dan Harper
 Alternate Gabor Kishegyi

Staff Present:

Town Manager Elizabeth Mascaro
 Building Official Robert Bitgood
 Town Clerk Amber Brown

Absent:

3. APPROVAL OF MINUTES

A. December 6, 2022 minutes

Vice Chairman Kurt Belsten made a motion to approve the December 6, 2022 minutes; Member April Evans seconded; Motion carried 5-0.

4. NEW BUSINESS

A. Site plan approval for 517 Avenue A – Pergola

Vice Chairman Kurt Belsten moved to approve the site plan for 2204 Redwood; Member Daniel Gonzalez seconded; Motion carried 5-0.

5. PUBLIC HEARINGS

None

6. OLD BUSINESS

None

7. PUBLIC COMMENT

None

8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

None

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

Member April Evans asked to include the proposed height in the site plan review.

10. ADJOURNMENT

Vice Chairman Kurt Belsten moved to adjourn; Member April Evans seconded; Motion carried 5-0.

The meeting adjourned at 6:37 p.m.

ATTEST:

David Campbell, Chairman

Amber Brown, Town Clerk



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Site Plan Review

Applicable Codes

Town of Melbourne Beach Land Development Code
Current Florida Building Code

Date: November 22, 2022
 Owner: Steer, Gary
 Owner Address: 921 Oak Street, Melbourne Beach, FL
 Site Address: 921 Oak Street, Melbourne Beach, FL
 Parcel ID: 28-38-08-EW-H-15
 Zoning: Zoning District 3RS

Project: New two (2) car attached garage.

Reference: Town of Melbourne Beach Code of Ordinances: 7A-33.

Request: Approval by the Planning and Zoning Board and the Town Commission for construction of a two car garage.

Staff Review:

- 1). The project is- a new two (2) car garage as a principal use.
There is no current structure to be demolished.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
Lot area is 10,816 sq. ft. (min. 10,000 sq. ft.)
Lot width is 90.00 (min. 90 ft.) Front Building Line
Lot depth is 120.18 (min. 100 ft.)
- 3). Lot coverage has a maximum of 30% for principle structure.
Lot coverage per plan is 24.8%
Footprint of Primary Structure is 2,945 sq. ft. with the addition.
Max allowed for Primary Structure is 3,250 sq. ft. for Lot Area of 10,816 sq. ft.
Minimum pervious area per lot is 30%. Pervious area is 64.3 %
- 4). Structure maximum height for zoning district is 28 ft.
The proposed height provided is 13'0" from FFE.
Flood Zone X

5). Zoning District Setback requirements

Proposed Primary Structure Rear Setback is 38' ft. 1" inch (min. 25 ft.)

Proposed Primary Structure Front Setback is 25'ft. .04" inches (min. 25 ft.)

Proposed Primary Structure West Side Setback 25'ft .92" inches (min. 15 ft.)

Proposed Primary Structure South Side Setback 14" ft. 8" inches* (min. 15 ft.)

***Existing non-conforming**

6). Sediment and erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach's Code of Ordinances, Chapter 27 Stormwater and the current Florida Building Code.

7). On-site stormwater retention control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach's Code of Ordinances, Chapter 27 Stormwater and the current Florida Building Code.

8). Town Engineer will submit a review of the drainage plan per Ordinance 2019-06. The Town Engineer will require a final inspection before a Certificate of Occupancy will be issued. This applies to new home construction and construction values greater than 50% of the existing structure. Minimum landscaping standards will be met.

Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.

**Robert Bitgood
Building Official**

921 Oak St.

IMPERVIOUS		PERVIOUS	
Primary Structure	2,688	Shed space	
Pool	285	Open areas	
Decks	353	Other	
Driveway			
Accessory Bldg			
Concrete areas	296	TOTAL PERVIOUS	6,949
Pavers areas	245		
Other			
TOTAL IMPERVIOUS	35.70%	Lot Total Sq Footage	10,816
		TOTAL % PERVIOUS	64%



**TOWN OF MELBOURNE BEACH
DEVELOPMENT APPLICATION**

I. SUBMITTAL REQUIREMENTS:

1. Fees per current schedule.
2. Deed to property.
3. Pre-Application meeting is mandatory. Contact the Building Official or Building Clerk to submit information required and to schedule a pre-application meeting.
4. Application deadlines are determined annually by the Boards and will be provided at the pre-application meeting.
5. All applicants must complete pages 1-3 and the section(s) as applicable to the request (refer to section II. below). All materials listed in the applicable sections must be provided, and fees paid.

II. REQUEST:

- | | |
|---|--|
| <input type="checkbox"/> Land Use Plan Amendment | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Coastal Construction Variance |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input type="checkbox"/> Site Plan Review Single Family (1RS, 2RS, 3RS) | <input type="checkbox"/> Site Plan Review Multifamily (4RM, 5RMO) |
| <input type="checkbox"/> Site Plan Review Commercial (6B, 7C, 8B, 9I) | <input type="checkbox"/> Amendment to the Land Development Code |
| | <input checked="" type="checkbox"/> Other (specify) <u>Addition (Garage)</u> |

III. PROPERTY INFORMATION:

General Location: Melbourne Beach

Address: 921 OAK ST. 32951

Parcel Number(s): 28-38-08-FW-H-15

Area (in acreage): .25 Area (in square feet): 10,800

Current Zoning: R-U Proposed Zoning: N/A

Current Future Land Use: N/A Proposed Future Land Use: N/A

Brief Description of Application: Addition 2 car garage

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): TBD

VI. APPLICANT CERTIFICATION:*

I/we affirm and certify that I/we understand and will comply with the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the application and support documents are fully complete and comply with the requirements of the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the statements and/or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief that this application, attachments and application filing fees become part of the official public record of the Town of Melbourne Beach, Florida and are not returnable or refundable.

Under penalties of perjury, I/we declare that I/we have read the foregoing application and that to the best of my/our knowledge and belief the facts stated in the application are true.

Signature: [Handwritten Signature]

Date: 12/10/22

Print Name: Eric Dijan

Title: Contractor Applicant

*Must sign in front of notary.

State of Florida
County of Brevard.

The foregoing application is acknowledged before me this 10th day of December, 2022 by Eric Dijan who is/are personally known to me, or who has/have produced FLDL as identification.

[Handwritten Signature]
Signature of Notary Public, State of Florida



VII. PROJECT DESCRIPTION:

Describe Application: Proposed addition 2 CAR GARAGE with breezeway.

Existing Well to be abandoned, new well drilled
Provide attachment if more space is needed.

Describe Existing Conditions: Existing home w/pool
NO garage currently.

Provide attachment if more space is needed.

IV. APPLICANT INFORMATION:

Property Owner

Name: Gary Steer

Phone: ~~330~~ (330) 868-3405

Address: 921 OAK ST.

Fax: N/A

Melbourne Beach FL 32951

Email: gary@steermc.com

Applicant (if other than property owner)

Name: Eric Dijan

Phone: 321-626-1170

Address: 5265 PALMETTO DR.

Fax: _____

Melbourne Beach, FL 32951

Email: ericdijan@hotmail.com

V. OWNER AUTHORIZATION:*

The undersigned hereby affirms the following:

- 1. That I/we are the fee simple title owner/contract purchaser (circle one) of the property described in this application.
- 2. That I/we have read and understands the entire application and concurs with the request.
- 3. That I/we have appointed the Applicant to represent the application, and empowers the Applicant to accept any and all conditions of approval imposed by the Town of Melbourne Beach.

Signature: [Handwritten Signature]

Date: 11 December 2022

Print Name: GARY STEER

Title: OWNER

*Must sign in front of notary.

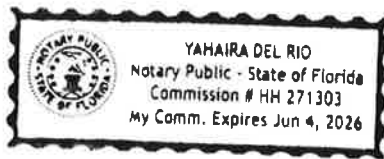
State of Florida

County of Brevard.

The foregoing application is acknowledged before me

this 11 day of December 2022 by GARY STEER
who is/are personally known to me, or who has/have produced FLDL 9360 292614610
as identification.

[Handwritten Signature]
Signature of Notary Public, State of Florida



Melbourne Beach Building Official

From: Melbourne Beach Building Official
Sent: Monday, October 17, 2022 7:12 AM
To: 'ERIC DIJAN'
Subject: RE: 921 Oak St. Proposed Plans

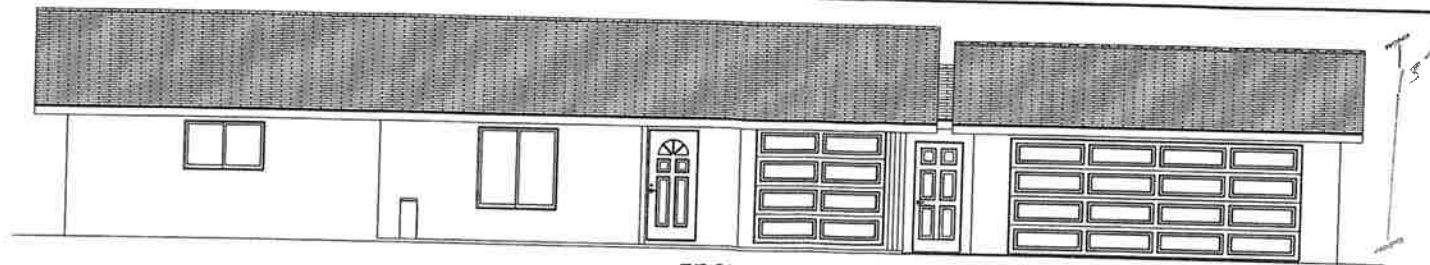
I have reviewed the property information and the zoning regulations regarding the proposal and found the following:

- Address: (Mailing) 329 Avenue A; (site) 921 Oak Street, as per the Property Appraiser
- Parcel ID: 28-38-08-FW-H-15
- Zoning: 3-RS
 - 3-RS allows accessory uses and structures to include swimming pools and garages.
 - Section 1A-3 defines accessory structures as “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.**”
 - Section 7A-57(a)(1) prohibits accessory structures from being erected in any front yard or in any side yard.
 - Section 1A-3 defines front yard as “a space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.”
 - Although the code does not define front lot line, Section 1A-3 defines the front building line as “a line extending from side lot line to side lot line and commencing at the **frontmost portion of the lot's principal structure**, not necessarily coinciding with the front yard setback. On a regular- shaped lot, the **FRONT BUILDING LINE** is typically the same as the front yard setback line; whereas an irregular-shaped lot requires a greater setback than the minimum in order to meet the lot width requirement.”
 - Section 1A-3 defines side yard as “The space extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building, including covered porches, carports and garages.”
 - Section 7A-57(e) states that swimming pools shall be constructed behind the front line of the principal structures and side/rear setbacks are 10’.
- Judging by the design, although the proposed garage structure is connected by a breezeway that includes a front/rear gate and roof, it is not be attached by a “common” wall or roof and as such is considered as an accessory structure by the code.

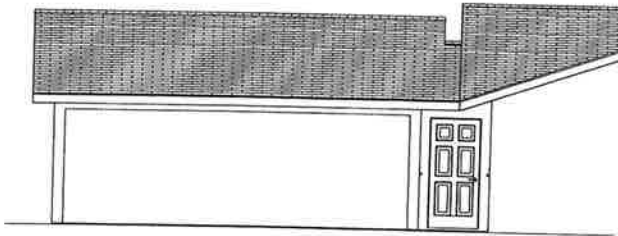
Based on the above, although the “site” address is 921 Oak Street, the “frontmost portion of the lot’s principal structure” faces Avenue A, and the home has a “mailing” address of 329 Avenue A. Consequently, the Town Code considers the area between Avenue A and the building line to be the “front yard”, and the area between Oak Street and the building line to be the “side yard”. Because the garage structure as designed is an accessory structure, it is prohibited from being located in the side yard as shown on the proposed plans. Note that this prohibition does not apply to the swimming pool because it is permitted to be 10’ from the side and rear lot lines, and would not apply if the garage was attached to the principal structure by a “common” wall or roof.

I hope that helps! Please let me know if you have any questions. THANKS!

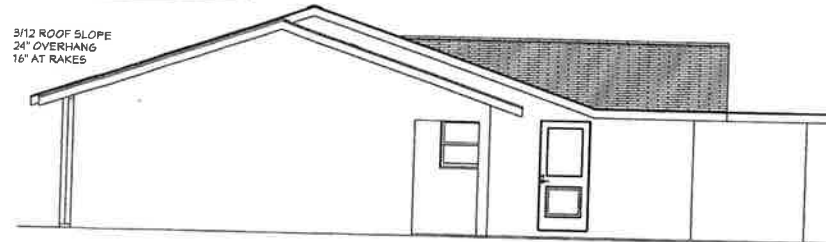
This is what I received from the town planner. Let me know if you need any further information.
Thanks,



FRONT ELEVATION

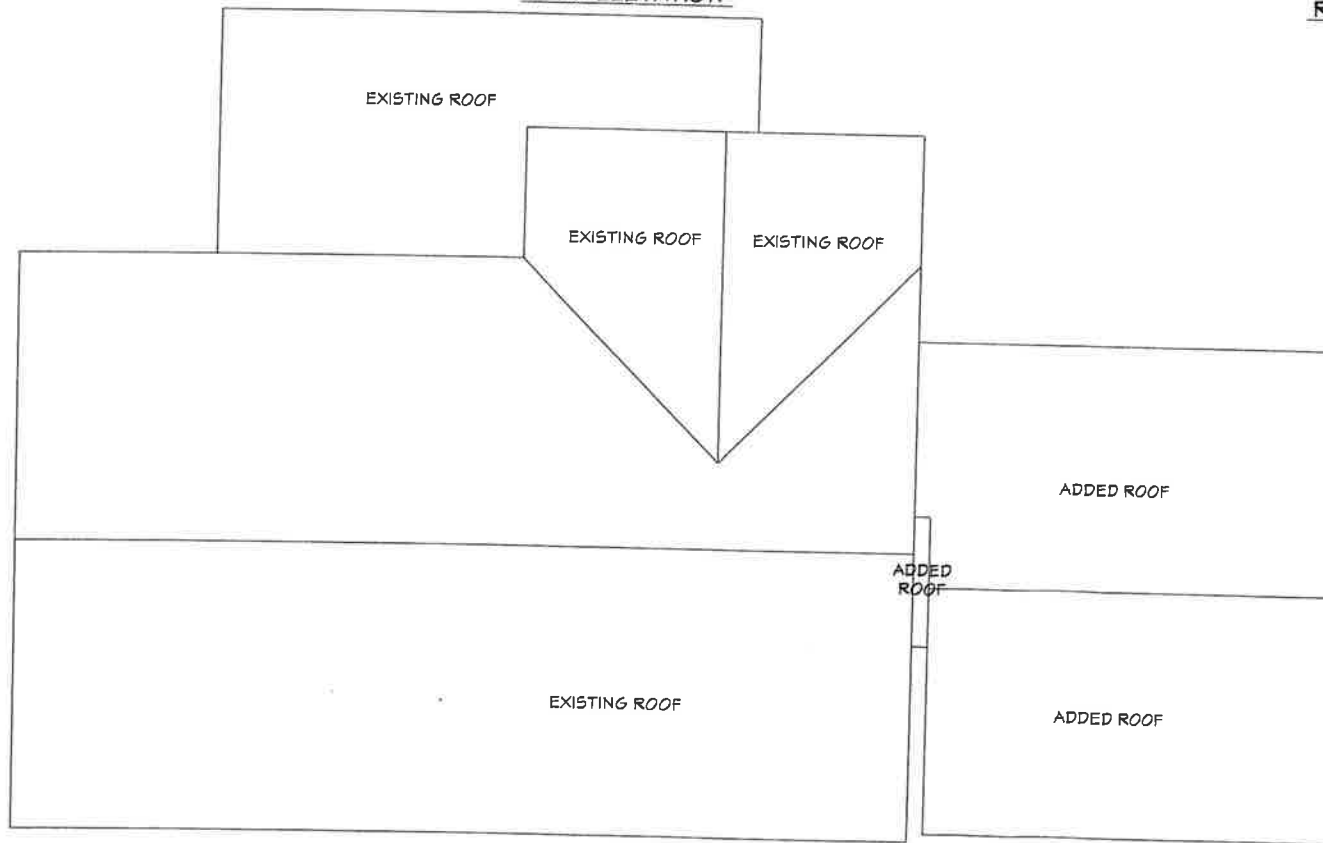


REAR ELEVATION



RIGHT SIDE ELEVATION

3/12 ROOF SLOPE
24" OVERHANG
16" AT RAKES



ROOF PLAN

EXTERIOR ELEVATIONS

TOM MORTON
DESIGN & DRAFTING
23-0250
MEMBER TEACH (A 128)



A GARAGE ADDITION TO EXISTING RESIDENCE FOR THE:
STEER'S
921 OAK STREET, MELBOURNE BEACH



DATE:
2 NOV 22
DRAWN:
T.C.M.
SCALE:
1/4"=1'-0"
REVISION:

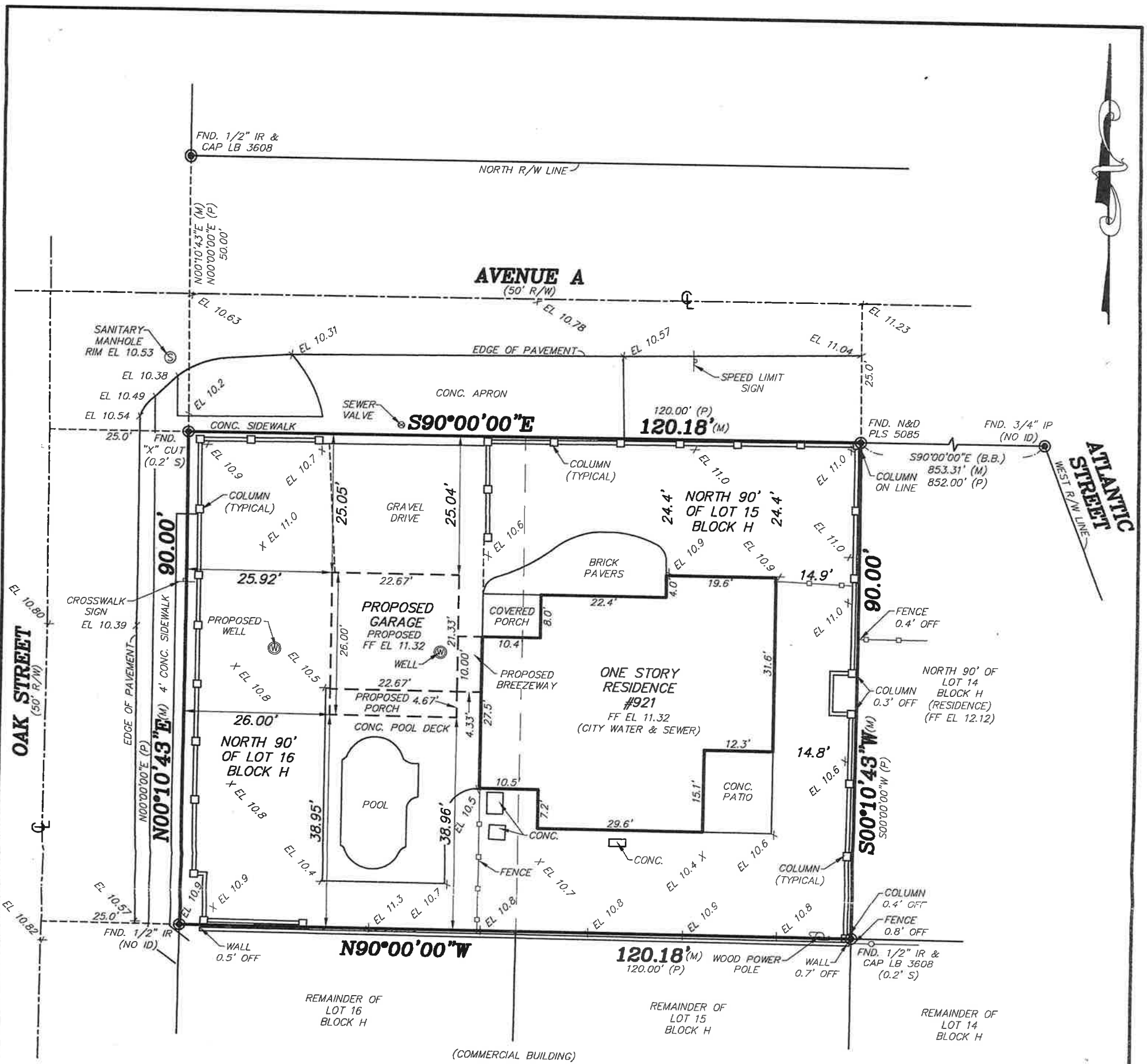
SBS SERVICES, LLC

THIS IS THE BEST ELECTRICAL, MECHANICAL, PLUMBING AND
SCALE BY BEN S. SCHWARTZ, P.E., ON THE DATE
AND/OR THE STATE ENGINEERING BOARD
AUTHENTICATION CODE
PRINTED COPIES OF THIS DOCUMENT ARE NOT
VALID UNLESS SIGNED AND SEALED AND THE SIGNATURE
AND EXPIRATION DATE MUST BE VERIFIED ON ANY
ELECTRONIC COPY.

PROFESSIONAL ENGINEER
BEN S. SCHWARTZ
LICENSE
NO. 25378
STATE OF
FLORIDA

SHEET:

A2



SURVEY PREPARED FOR:
BLUE HORIZON RENOVATIONS LLC
ERIC DIJAN
GARY L. STEEL AND JEANNETTE S. STEER

DESCRIPTION: THE NORTH 90 FEET OF LOTS 15 AND 16, BLOCK H, GRAVES PLAT OF MELBOURNE BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 38, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

PROJECT BENCHMARK
 NGS BENCHMARK G 649
 PID DK6602
 SURVEY DISK IN CONCRETE
 STAMPED "G 648 2006"
 EL 11.24 (NAVD 88)
 EL 12.67 (NGVD 29)

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #12009C 0608 H, DATED JANUARY 29, 2021 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

TYPE OF SURVEY:
 BOUNDARY

SCALE: 1" = 20'

REVISE PLOT PLAN: 11-15-22
PLOT PLAN: 10-12-22
FIELD DATE: 10-07-22

SECTION 08,
 TOWNSHIP 28 SOUTH,
 RANGE 38 EAST

PROJECT #47946

GENERAL NOTES:

- THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
- THIS SURVEY AND DRAWING IS FOR THE SOLE USE AND BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE AS NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE SURVEYOR, AND ANY REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
- NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
- THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
- BEARINGS ARE BASED ON AN ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
- ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
- "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

LEGEND	
(B.B.)	- BEARING BASIS
B.S.L.	- BUILDING SETBACK LINE
CB	- CHORD BEARING
CH	- CHORD LENGTH
CL	- CENTERLINE
C.M.	- CONCRETE MONUMENT
C.M.P.	- CORRUGATED METAL PIPE
CONC.	- CONCRETE
(D)	- DEED
D	- DELTA
D.E.	- DRAINAGE EASEMENT
EL	- ELEVATION
EP	- EDGE OF PAVEMENT
FF	- FINISH FLOOR
FND	- FOUND
IP	- IRON PIPE
IR	- IRON ROD
L	- ARC LENGTH
LB	- LICENSE BUSINESS
(M)	- MEASURED
N&D	- NAIL AND DISK
N&TT	- NAIL AND TIN TAB
OHW	- OVERHEAD WIRE
(P)	- PLAT
PC	- POINT OF CURVATURE
PLS	- PROFESSIONAL LAND SURVEYOR
P.O.L.	- POINT ON LINE
PP	- POWER POLE
PT	- POINT OF TANGENCY
P.U.	- PUBLIC UTILITY
R	- RADIUS
R.C.P.	- REINFORCED CONCRETE PIPE
R/W	- RIGHT OF WAY
XX.XX	- PROPOSED GRADE

(Signature)
ANDREW W. POWSHOK
 P.L.S. No. 5383

DANIEL D. GARNER
 P.L.S. No. 6189



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Site Plan Review

Applicable Codes

Town of Melbourne Beach Land Development Code

Current Florida Building Code

Date: December 15, 2022
Owner: Stojanovski, Hihail M; Devaux, Mikaela E.
Owner Address: 419 Riverview Lane, Melbourne Beach, FL
Site Address: 419 Riverview Lane, Melbourne Beach, FL
Parcel ID: 28-38-07-JV-*-123
Zoning: Zoning District 2RS

Project: Room addition to existing two story single family dwelling.

Reference: Town of Melbourne Beach Code of Ordinances: 7A-32.

Request: Approval by the Planning and Zoning Board and the Town Commission for an addition to a two story single family dwelling.

Staff Review:

- 1).The project is: an addition to a two story single family dwelling. No trees or out Buildings will be demolished for this project.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
 Lot area is 12,196 sq. ft. (min. 11,250 sq. ft.)
 Lot width is 138 ft. (min. 90 ft.)
 Lot depth is 149 ft. (min. 100 ft.)
- 3). Lot coverage has a maximum of 30% for principle structure.
 Lot coverage per plan is 27.7%
 Footprint of Primary Structure is 2,763 sq. ft. with the addition.
 Max allowed for Primary Structure is 3,659 sq. ft. for Lot Area of 12,196 sq. ft.
 Minimum pervious area per lot is 30%. Pervious area is 62 %
- 4). Structure maximum height for zoning district is 28 ft.
 The proposed height provided is 17'2" from FFE.
 Flood Zone X/AE

5). Zoning District Setback requirements

Proposed Primary Structure Front Setback 30'2" (min. 25 ft.)

Proposed Primary Structure Rear Setback is 72" (min. 25 ft.)

Proposed Primary Structure South Side Setback 15'4" (min. 15 ft.)

Proposed Primary Structure North Side Setback 18'1" (min. 15 ft.)

6). Sediment and erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach's Code of Ordinances, Chapter 27 Stormwater and the current Florida Building Code.

7). On-site stormwater retention control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach's Code of Ordinances, Chapter 27 Stormwater and the current Florida Building Code.

8). Town Engineer will submit a review of the drainage plan per Ordinance 2019-06. The Town Engineer will require a final inspection before a Certificate of Occupancy will be issued. This applies to new home construction and construction values greater than 50% of the existing structure. Minimum landscaping standards will be met.

Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.

**Robert Bitgood
Building Official**

ADDRESS

IMPERVIOUS		PERVIOUS	
Primary Structure	2763	Shed space	54
Pool	360	Open areas	7476
Decks	192	Other	
Driveway	1048		
Accessory Bldg			
Concrete areas		TOTAL PERVIOUS	7530
Pavers areas	303		
Other			
TOTAL IMPERVIOUS	4666		
		Lot Total Sq Footage	12196
		TOTAL % PERVIOUS	62%



TOWN OF MELBOURNE BEACH DEVELOPMENT APPLICATION

I. SUBMITTAL REQUIREMENTS:

1. Fees per current schedule.
2. Deed to property.
3. Pre-Application meeting is mandatory. Contact the Building Official or Building Clerk to submit information required and to schedule a pre-application meeting.
4. Application deadlines are determined annually by the Boards and will be provided at the pre-application meeting.
5. All applicants must complete pages 1-3 and the section(s) as applicable to the request (refer to section II. below). All materials listed in the applicable sections must be provided, and fees paid.

II. REQUEST:

- | | |
|---|--|
| <input type="checkbox"/> Land Use Plan Amendment | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Coastal Construction Variance |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input type="checkbox"/> Site Plan Review Single Family (1RS, 2RS, 3RS) | <input type="checkbox"/> Site Plan Review Multifamily (4RM, 5RMO) |
| <input type="checkbox"/> Site Plan Review Commercial (6B, 7C, 8B, 9I) | <input type="checkbox"/> Amendment to the Land Development Code |
| | <input type="checkbox"/> Other (specify) _____ |

III. PROPERTY INFORMATION:

General Location: Melbourne Beach

Address: 419 Riverview Lane

Parcel Number(s): LOT 123, Plat Book 23, Page 35 / 28-35-07-1V+12

Area (in acreage): .28 Area (in square feet): 12,196.8

Current Zoning: Single family Proposed Zoning: _____

Current Future Land Use: _____ Proposed Future Land Use: _____

Brief Description of Application: Interior Remodel, Additions

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): _____

IV. APPLICANT INFORMATION:

Property Owner

Name: _____

Phone: _____

Address: _____

Fax: _____

Email: _____

Applicant (if other than property owner)

Name: _____

Phone: _____

Address: _____

Fax: _____

Email: _____

V. OWNER AUTHORIZATION:*

The undersigned hereby affirms the following:

1. That I/we are the fee simple title owner/contract purchaser (circle one) of the property described in this application.
2. That I/we have read and understands the entire application and concurs with the request.
3. That I/we have appointed the Applicant to represent the application, and empowers the Applicant to accept any and all conditions of approval imposed by the Town of Melbourne Beach.

Signature: *Mikaela Devaux*

Date: 11/16/2022

Print Name: Mikaela Devaux

Title: _____

*Must sign in front of notary.

State of Florida
County of Brevard.

The foregoing application is acknowledged before me
this 16 day of November, 2022, by Mikaela Devaux,
who is/are personally known to me, or who has/have produced personally known
as identification.

[Signature]

Signature of Notary Public, State of Florida

NOTARY SEAL



X

VI. APPLICANT CERTIFICATION:*

I/we affirm and certify that I/we understand and will comply with the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the application and support documents are fully complete and comply with the requirements of the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the statements and/or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief that this application, attachments and application filing fees become part of the official public record of the Town of Melbourne Beach, Florida and are not returnable or refundable.

Under penalties of perjury, I/we declare that I/we have read the foregoing application and that to the best of my/our knowledge and belief the facts stated in the application are true.

Signature: *[Signature]* Date: 11/16/2022
Print Name: Mikaela Devaux Title: _____

*Must sign in front of notary.

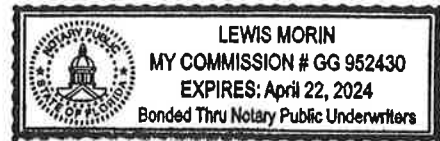
State of Florida
County of Brevard.

The foregoing application is acknowledged before me this 16 day of November, 2022 by Mikaela Devaux who is/are personally known to me, or who has/have produced Personal Known as identification.

[Signature]

Signature of Notary Public, State of Florida

NOTARY SEAL



VII. PROJECT DESCRIPTION:

Describe Application: Additions to Rear of House.

Provide attachment if more space is needed.

Describe Existing Conditions: _____

Provide attachment if more space is needed.

X

**DEVAUX
STOJANOVSKI
RESIDENCE**
419 RIVERVIEW LANE
MELBOURNE BEACH, FL 32951

issued for date
PERMIT SET 4/28/2022

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Casa Mia Design Studio shall not be responsible for construction means and methods, techniques, sequences, procedures or for safety execution and programs in connection with the work for the acts or omissions of the contractor, subcontractors or any other persons performing any of the work; or for the failure of any of them to carry out work in accordance with the Contract Documents and current code, Construction Admin. not in contract.

revisions

item	description	date

scale as noted

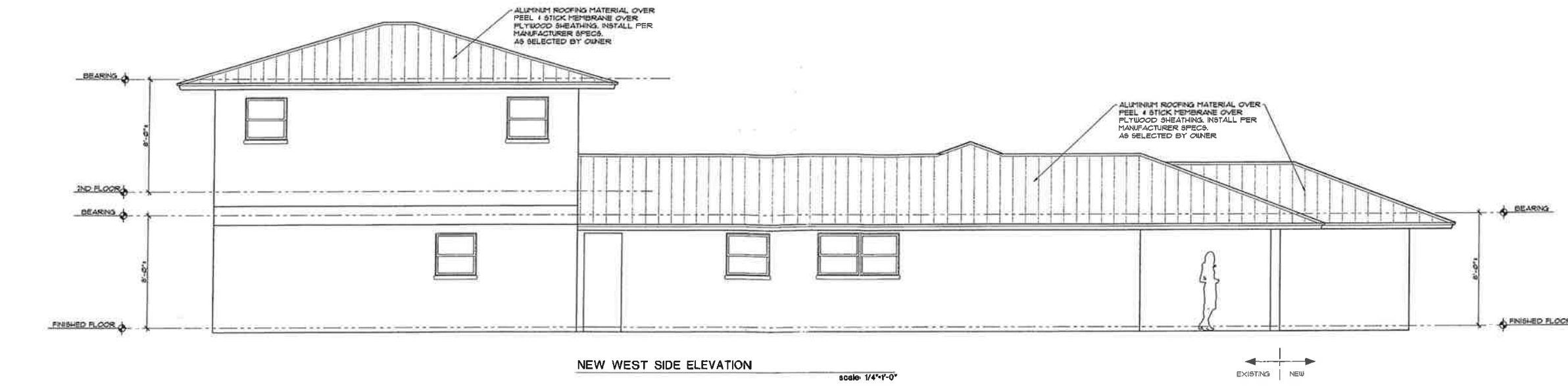
sheet title

**EXTERIOR
ELEVATIONS**

sheet number

A3

drawn by: LFC checked by: LFC





casa mia
RESIDENTIAL DESIGN STUDIO

321.600.0900
casamiadesign321@gmail.com

**DEVAUX
STOJANOVSKI
RESIDENCE**

419 RIVERVIEW LANE
MELBOURNE BEACH, FL 32951

issued for _____ date _____
PERMIT SET 10/10/2022

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Casa Mia Design Studio shall not be responsible for Construction means and methods, techniques, sequences, procedures or for safety precautions and programs in connection with the work for the acts or omissions of the contractor, subcontractors or any other persons performing any of the work or for the failure of any of them to carry out work in accordance with the Construction Documents and current code. Construction Admin. not in contract.

revisions		
item	description	date

scale as noted

sheet title

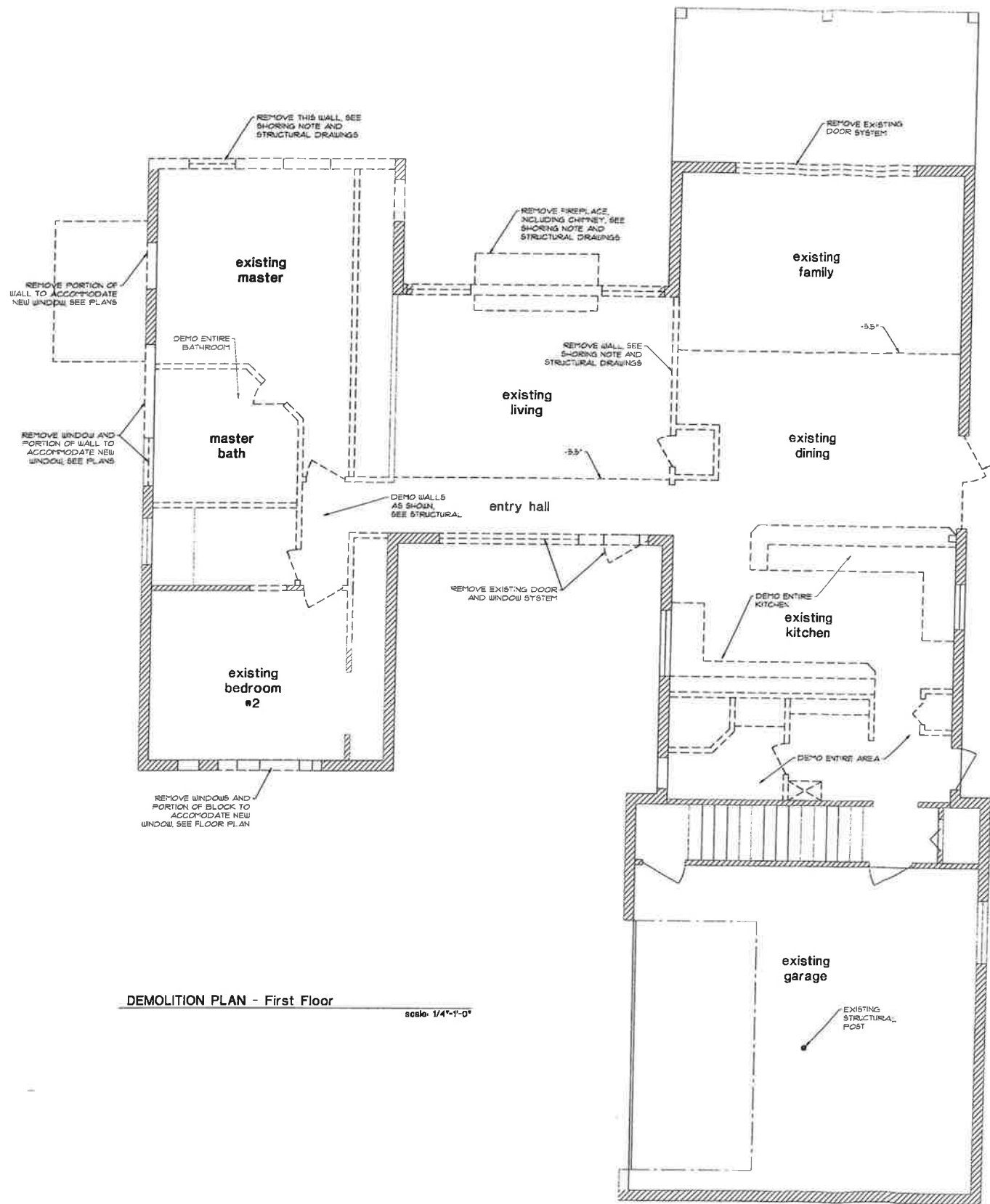
DEMO PLAN

sheet number

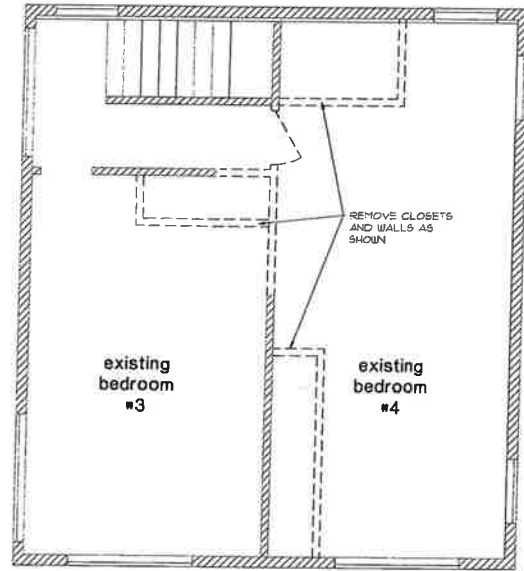
D1

drawn by: LFC checked by: LFC

by Casa Mia Design Studio. All rights reserved. WHEN PLOTTED AT FULL SIZE THE SHEET NUMBER IS D1



DEMOLITION PLAN - First Floor scale: 1/4"=1'-0"



DEMOLITION PLAN - Second Floor scale: 1/4"=1'-0"



casa mia
RESIDENTIAL DESIGN STUDIO

321.600.0900
casamiadesign321@gmail.com

**DEVAUX
STOJANOVSKI
RESIDENCE**
419 RIVERVIEW LANE
MELBOURNE BEACH, FL 32951

Issued for _____ date _____
PERMIT SET 10/10/2022

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Casa Mia Design Studio shall not be responsible for construction means and methods, techniques, sequences, procedures or for safety precautions and programs in connection with the work for the acts or omissions of the contractor, subcontractors or any other persons performing any of the work, or for the failure of any of them to carry out work in accordance with the Construction Documents and current code. Construction Admin. not in contract.

revisions

item	description	date

scale as noted

sheet title

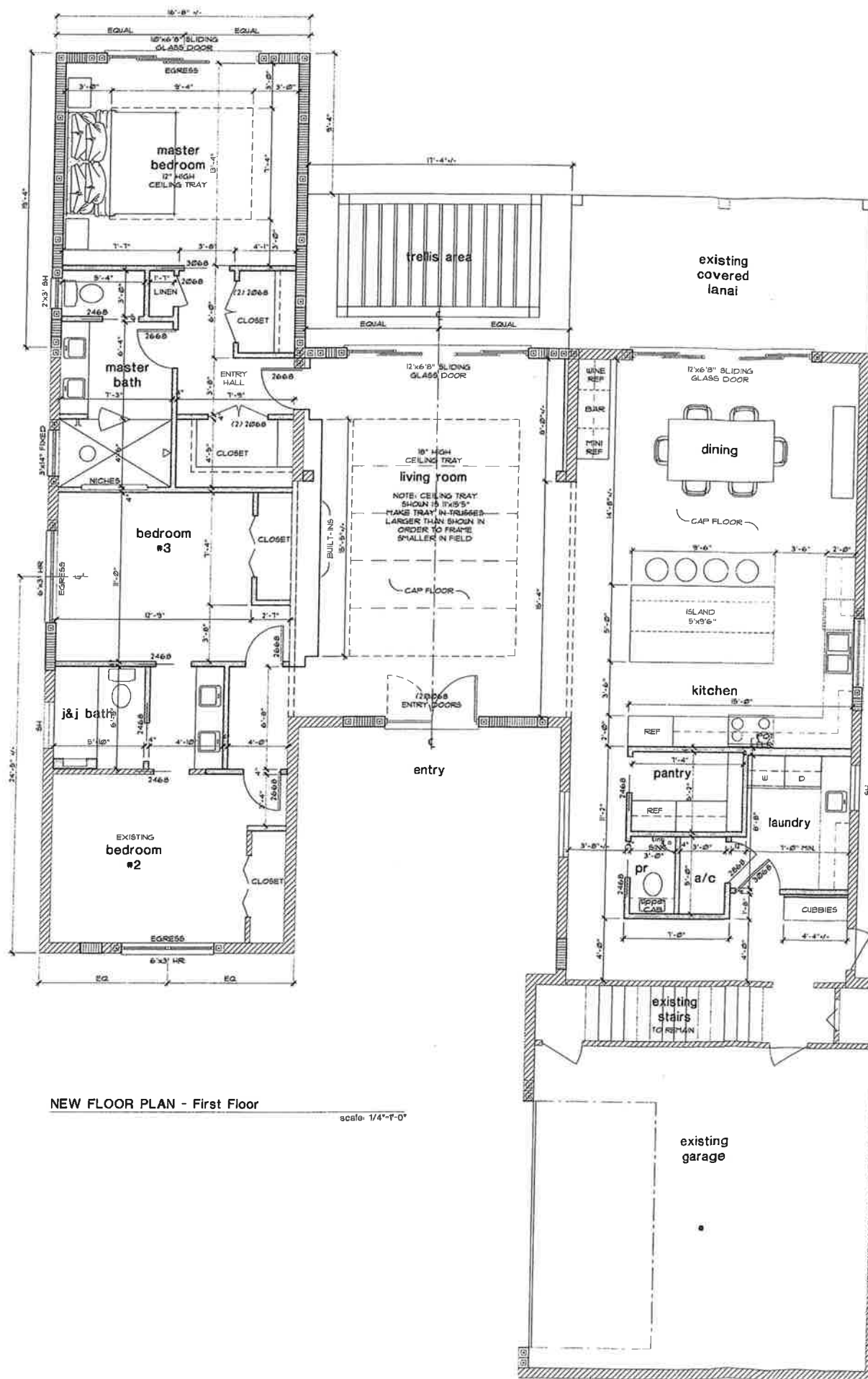
NEW FLOOR PLAN

sheet number

A1

drawn by: LFC checked by: LFC

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NEW FLOOR PLAN SET 10/10/2022 10/10/2022



NEW FLOOR PLAN - First Floor
scale: 1/4"=1'-0"

NOTES:

CONTRACTOR TO CONFIRM ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK.

CONTRACTOR TO VERIFY ALL DOORS AND WINDOWS PRIOR TO ORDERING. CONFIRM INTERIOR DOOR SIZES IN EXISTING FRAMED WALLS. VERIFY ENOUGH SPACE FOR CASING.

ALL EXISTING WINDOWS TO BE REPLACED WITH SINGLE HUNG, IMPACT RATED, AS SELECTED BY OWNER.

CONTRACTOR TO VERIFY TRUSS SIZE, PITCH, OVERHANG, ETC. PRIOR TO ORDERING.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL DRAWINGS AND SITE CONDITIONS PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES IN THE CONSTRUCTION DOCUMENTS AND/OR IN ANY NON-EXISTING SITE CONDITIONS MUST BE BROUGHT TO THE ATTENTION OF THE DESIGNER AND STRUCTURAL ENGINEER IMMEDIATELY.

WALL LEGEND

- EXISTING WALLS TO REMAIN
- NEW WOOD FRAMED WALL
- NEW BLOCK WALL. SEE STRUCTURAL FOR ALL FILLED CELL LOCATIONS

NOTE 111
PROVIDE SHORING TO SUPPORT LOADS AND ADJACENT MEMBERS PRIOR TO REMOVING ANY STRUCTURAL MEMBERS. SHORING SHALL REMAIN IN PLACE UNTIL COMPLETION OF REMODEL. SEE STRUCTURAL DRAWINGS

NEW FLOOR PLAN - Second Floor

scale: 1/4"=1'-0"



drawn by: LFC checked by: LFC

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NEW FLOOR PLAN SET 10/10/2022 10/10/2022

**DEVAUX
STOJANOVSKI
RESIDENCE**
419 RIVERVIEW LANE
MELBOURNE BEACH, FL 32951

issued for date
PERMIT SET 10/10/2022

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These drawings do not constitute comprehensive architectural services. Certain field adjustments, corrections, and resolution of conflicts are to be expected. At the designer's not retained to perform construction administration, the designer does not assume liability for unauthorised deviations from plans or specifications. Interpretations by others of information not shown on the plans or implied therein, corrections or adjustments made without express instruction and/or consent from the designer, or use of these plans for anything other than their intended purpose. The contractor shall make themselves familiar with, and verify existing conditions of the existing structure, underground utilities, and all conditions within the project limits.

Casa Mia Design Studio shall not be responsible for: Construction means and methods, techniques, sequences, procedures or for safety precautions and programs in connection with the work; for the acts or omissions of the contractor, subcontractors or any other persons performing any of the work; or for the failure of any of them to carry out work in accordance with the Construction Documents and current code. Construction Admin, not in contact.



revisions		
item	description	date

scale as noted

sheet title
**EXTERIOR
ELEVATIONS**

sheet number
A2

drawn by: LFC checked by: LFC

Survey w/ Flood Zone

FFE 6.2

PAGE 1 OF 1
BOUNDARY SURVEY

LEGAL DESCRIPTION:

GLELOT 123, HARBOR EAST SECTION THREE AMENDED, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 35, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND ABORTION OF GOVERNMENT LOT 1, SECTION 18, TOWNSHIP 28 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 123 SAID CORNER BEING ON THE NORTH LINE OF SAID GOVERNMENT LOT 1, THENCE S. 5°37'09" WEST ALONG THE SOUTHERLY EXTENSION OF THE EAST BOUNDARY LINE OF SAID LOT 123, A DISTANCE OF 63 FEET, MORE OR LESS, TO AND INTO THE WATERS OF THE INDIAN RIVER; THENCE NORTHWESTERLY MEANDERING THE WATERS OF THE INDIAN RIVER, A DISTANCE OF 135 FEET, MORE OR LESS, TO THE NORTH LINE OF THE AFORESAID GOVERNMENT LOT 1; THENCE EAST ALONG THE NORTH LINE OF GOVERNMENT LOT 1, A DISTANCE OF 128 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY CONVEYED TO MIHAIL M. STOJANOVSKI AND MIKAELA E. DEVAUX, HUSBAND AND WIFE BY WARRANTY DEED FROM ASHLEY E. WALDORF AND MICHELLE G. WALDORF, HUSBAND AND WIFE, INDIVIDUALLY, RECORDED 06/12/2018, OF RECORD IN OFFICIAL RECORDS BOOK 8187, PAGE 329, INSTRUMENT NUMBER 2018131919, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

ORIGINATION BENCHMARK
 BREVARD COUNTY BRASS DISK
 N.A.V.D. 1988 ELEVATION = 9.829

FLOOD ZONE: X/AE
 COMMUNITY NUMBER: 125128
 PANEL: 12009C0616
 SUFFIX: H
 F.I.R.M. DATE: 1/29/2021
 FIELD DATE: 8/15/2022

PROPERTY ADDRESS:
 419 RIVER VIEW LANE MELBOURNE
 BEACH, FLORIDA 32951

SURVEY NUMBER: 499747
 CLIENT FILE NUMBER:

ABBREVIATION DESCRIPTION:

- AC AIR CONDITIONER
- C CENTERLINE
- Δ CENTRAL / DELTA ANGLE
- ID IDENTIFICATION
- L LENGTH
- LB LICENSED BUSINESS
- N.A.V.D. NORTH AMERICAN VERTICAL DATUM
- N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
- OHL OVERHEAD UTILITIES
- P.C. POINT OF CURVATURE
- P.C.C. POINT OF COMPOUND CURVE
- P-K PARKER KYLON NAIL
- P.R.C. POINT OF REVERSE CURVE
- PSM PROFESSIONAL SURVEYOR MAPPER
- P.T. POINT OF TANGENCY
- R RADIAL / RADIUS
- RW RIGHT OF WAY

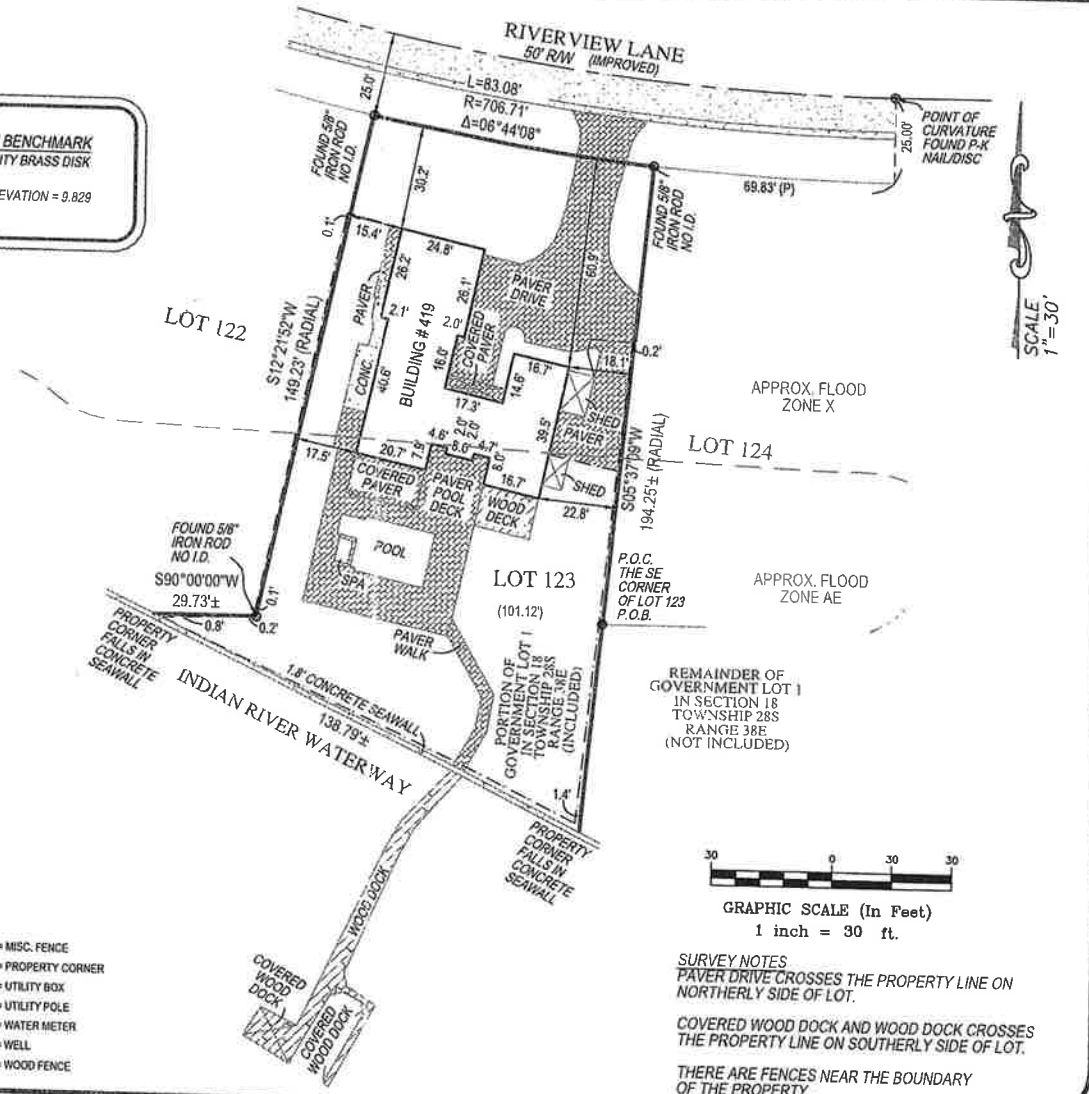
SYMBOL DESCRIPTIONS:

- [Symbol] = CATCH BASIN
- [Symbol] = CENTERLINE ROAD
- [Symbol] = COVERED AREA
- [Symbol] = EXISTING ELEVATION
- [Symbol] = HYDRANT
- [Symbol] = MANHOLE
- [Symbol] = METAL FENCE
- [Symbol] = MISC. FENCE
- [Symbol] = PROPERTY CORNER
- [Symbol] = UTILITY BOX
- [Symbol] = UTILITY POLE
- [Symbol] = WATER METER
- [Symbol] = WELL
- [Symbol] = WOOD FENCE

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS ARE LOCATED.
- 6) DIMENSIONS SHOWN HEREON ARE PLAT AND MEASURED UNLESS OTHERWISE NOTED
- 7) FENCE OWNERSHIP NOT DETERMINED
- 8) ELEVATIONS, IF SHOWN, ARE BASED ON N.G.V.D. 1929 DATUM, UNLESS OTHERWISE NOTED.
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATION HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

REVISIONS:



LB #7883
 SERVING FLORIDA
 6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0576
 WEBSITE: <http://targetsurveying.net>



SURVEYORS CERTIFICATE:
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

Digitally signed by Kenneth J. Osborne
 Date: 2022.08.19 13:37:00-0000
 Kenneth J. Osborne
 PROFESSIONAL SURVEYOR AND MAPPER #6415
 (SIGNED)



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Site Plan Review

Applicable Codes

Town of Melbourne Beach Land Development Code

Current Florida Building Code

Date: January 12, 2023
Owner: Davis, Clinton
Owner Address: 404 Colony Street, Melbourne Beach, Florida
Site Address: 404 Colony Street, Melbourne Beach, Florida
Parcel ID: 28-38-06-77-6-2
Zoning: Zoning District 1RS

Project: A front porch addition to an existing single family home.

Reference: Town of Melbourne Beach Code of Ordinances: 7A-31.

Request: Approval by the Planning and Zoning Board and the Town Commission for the construction of an addition to an existing single family home.

Staff Review:

- 1). The project is an addition to a single family home as a principal residence.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
 Lot area is 12,605 sq. ft. (min. 12,000 sq. ft.)
 Lot width is 105.4 ft. (min.100 ft.) Front Building Line
 Lot depth is 120 ft. (min. 120 ft.)
- 3). Lot coverage has a maximum of 30% for principle structure.
 Lot coverage per plan is 19.3%
 Footprint of Primary Structure is 2,440 sq. ft. with the addition.
 Max allowed for Primary Structure is 3781.5 sq. ft. for Lot Area of 12,605 sq. ft.
 Minimum pervious area per lot is 30%. Pervious area is 56%
- 4). Structure maximum height for zoning district is 28 ft.
 The proposed height provided is 12'2" from FFE
 Flood Zone X

5). Zoning District Setback requirements

Proposed Primary Structure Rear Setback 25.34 ft. (min. 25 ft.)

Proposed Primary Structure Front Setback is 25.9 ft. (min. 25 ft.)

Proposed Primary Structure West Side Setback 15.6 ft. (min. 15 ft.)

Proposed Primary Structure East Side Setback 14.7 (min. 15 ft.)

Existing non- conforming.

6). Sediment and erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach's Code of Ordinances, Chapter 27 Stormwater and the current Florida Building Code.

7). On-site stormwater retention control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach's Code of Ordinances, Chapter 27 Stormwater and the current Florida Building Code.

8). Town Engineer will submit a review of the drainage plan per Ordinance 2019-06. The Town Engineer will require a final inspection before a Certificate of Occupancy will be issued. This applies to new home construction and construction values greater than 50% of the existing structure. Minimum landscaping standards will be met.

Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.

**Robert Bitgood
Building Official**

404 Colony St.

IMPERVIOUS		PERVIOUS	
Primary Structure	2,440	Shed space	
Pool	452	Open areas	
Decks	1560	Other	
Driveway	1034		
Accessory Bldg			
Concrete areas		TOTAL PERVIOUS	7,107
Pavers areas			
Other			
TOTAL IMPERVIOUS	43.00%	Lot Total Sq Footage	12,605
		TOTAL % PERVIOUS	56%



**TOWN OF MELBOURNE BEACH
DEVELOPMENT APPLICATION**

I. SUBMITTAL REQUIREMENTS:

1. Fees per current schedule.
2. Deed to property.
3. Pre-Application meeting is mandatory. Contact the Building Official or Building Clerk to submit information required and to schedule a pre-application meeting.
4. Application deadlines are determined annually by the Boards and will be provided at the pre-application meeting.
5. All applicants must complete pages 1-3 and the section(s) as applicable to the request (refer to section II. below). All materials listed in the applicable sections must be provided, and fees paid.

II. REQUEST:

- | | |
|---|--|
| <input type="checkbox"/> Land Use Plan Amendment | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Coastal Construction Variance |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input type="checkbox"/> Site Plan Review Single Family (1RS, 2RS, 3RS) | <input type="checkbox"/> Site Plan Review Multifamily (4RM, 5RMO) |
| <input type="checkbox"/> Site Plan Review Commercial (6B, 7C, 8B, 9I) | <input type="checkbox"/> Amendment to the Land Development Code |
| | <input type="checkbox"/> Other (specify) _____ |

III. PROPERTY INFORMATION:

General Location: Front of House

Address: 404 Colony St. Melbourne Bch

Parcel Number(s): 28-38-06-77-G-2

Area (in acreage): _____ Area (in square feet): 60

Current Zoning: SFR Proposed Zoning: _____

Current Future Land Use: SFR Proposed Future Land Use: _____

Brief Description of Application: Add Front Porch

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): 8-17-22

IV. APPLICANT INFORMATION:

Property Owner

Name: Clinton Davis

Phone: 321-759-7533

Address: 404 Colony St
Melbourne Bch, FL

Fax: —

Email: _____

Applicant (if other than property owner)

Name: Brian Ferr/BFAIR Contracting

Phone: 321-444-6446

Address: 3500 Aloma Ave C-6
WPC 32792

Fax: —

Email: bfferrcontracting.com

V. OWNER AUTHORIZATION:*

The undersigned hereby affirms the following:

- 1. That I/we are the fee simple title owner/contract purchaser (circle one) of the property described in this application.
- 2. That I/we have read and understands the entire application and concurs with the request.
- 3. That I/we have appointed the Applicant to represent the application, and empowers the Applicant to accept any and all conditions of approval imposed by the Town of Melbourne Beach.

Signature: [Handwritten Signature]

Date: 7-11-22

Print Name: Clinton Davis

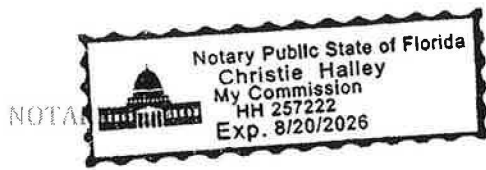
Title: owner

*Must sign in front of notary.

State of Florida
County of Brevard.

The foregoing application is acknowledged before me this 11 day of 7, 2022, by Clinton Davis who is/are personally known to me, or who has/have produced _____ as identification.

[Handwritten Signature]
Signature of Notary Public, State of Florida



VI. APPLICANT CERTIFICATION:*

I/we affirm and certify that I/we understand and will comply with the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the application and support documents are fully complete and comply with the requirements of the land development regulations of the Town of Melbourne Beach, Florida. I/we further certify that the statements and/or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief that this application, attachments and application filing fees become part of the official public record of the Town of Melbourne Beach, Florida and are not returnable or refundable.

Under penalties of perjury, I/we declare that I/we have read the foregoing application and that to the best of my/our knowledge and belief the facts stated in the application are true.

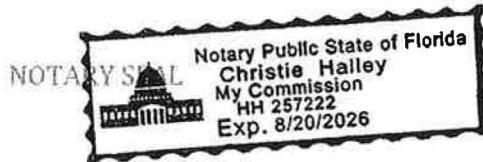
Signature: [Handwritten Signature] Date: 7-11
Print Name: Brian Ferr Title: Mayor

*Must sign in front of notary.

State of Florida
County of Brevard.

The foregoing application is acknowledged before me this 11 day of 7, 2022, by Brian Ferr who is/are personally known to me, or who has/have produced _____ as identification.

[Handwritten Signature]
Signature of Notary Public, State of Florida



VII. PROJECT DESCRIPTION:

Describe Application: Add Front Porch

Provide attachment if more space is needed.

Describe Existing Conditions: _____

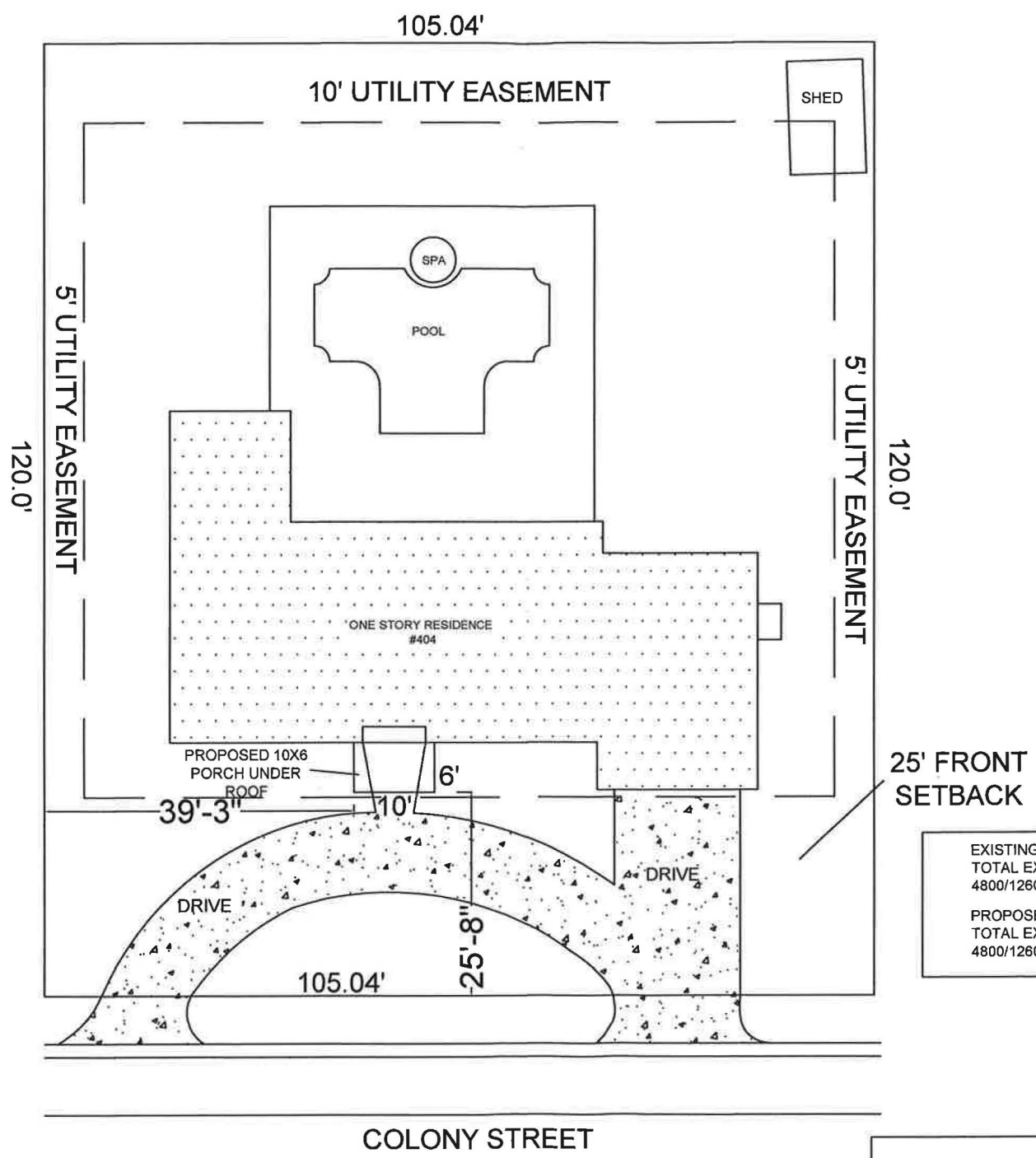
Provide attachment if more space is needed.

PROJECT:
 PROPOSED PORCH UNDER ROOF
 404 COLONY ST
 MELBOURNE, FL

JOB #: 22049
 DATE: 1-9-23
 PAGE: C1



FBPE REGISTRY # 28736
 1648 Taylor Road #7400
 Port Orange, FL 32128
 WWW.SCES.CO



EXISTING: TOTAL LOT AREA: 12605 SF
 TOTAL EXISTING COVERAGE: 4800 SF
 4800/12605= 38% COVERAGE

PROPOSED: TOTAL LOT AREA: 12605 SF
 TOTAL EXISTING COVERAGE: 4860 SF
 4800/12605= 38.56% COVERAGE

RESIDENCE SF UNDER AIR: 1734 SF
 EXISTING TOTAL SF: 2380 SF
 PROPOSED SF NOT UNDER AIR: 60 SF
 TOTAL PROPOSED SF: 2440

PROPOSED SITE PLAN
 SCALE: 1:20

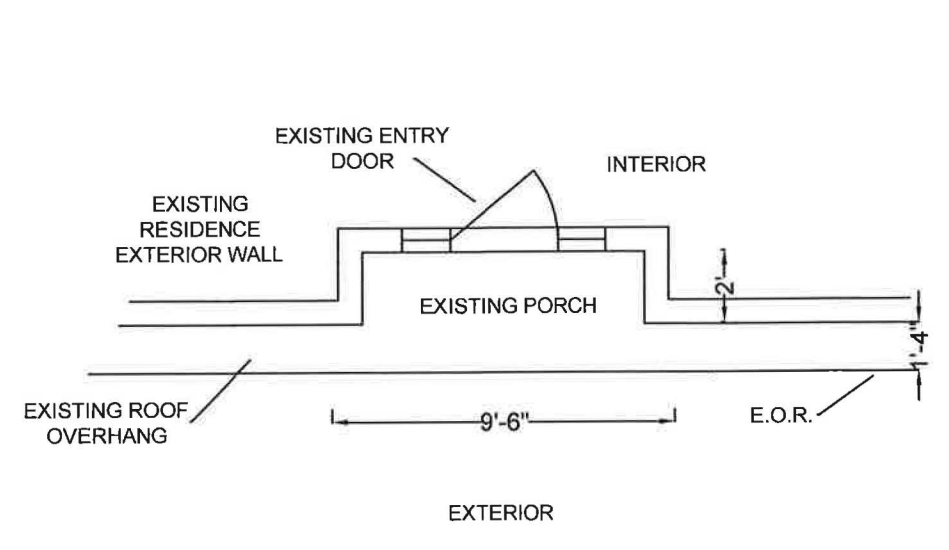


Applicable Codes
1. FLORIDA BUILDING CODE 2020 (7TH ED.)
2. ASCE 7-16
3. NEC 2017

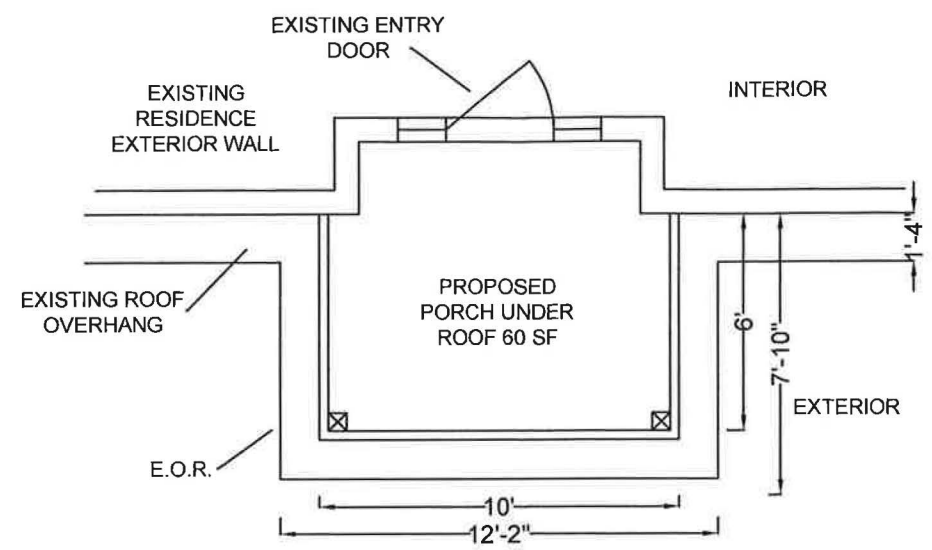
SCOPE OF WORK
1. PROVIDE APPROVED CONSTRUCTION PLANS AND DETAILS FOR PROPOSED PORCH UNDER ROOF.
2. STRUCTURAL AND ELECTRICAL INCLUDED.
3. CIVIL ASPECTS NOT INCLUDED.
4. COMPLY WITH REFERENCED CODES.

PROJECT:
PROPOSED PORCH UNDER ROOF
404 COLONY ST
MELBOURNE, FL

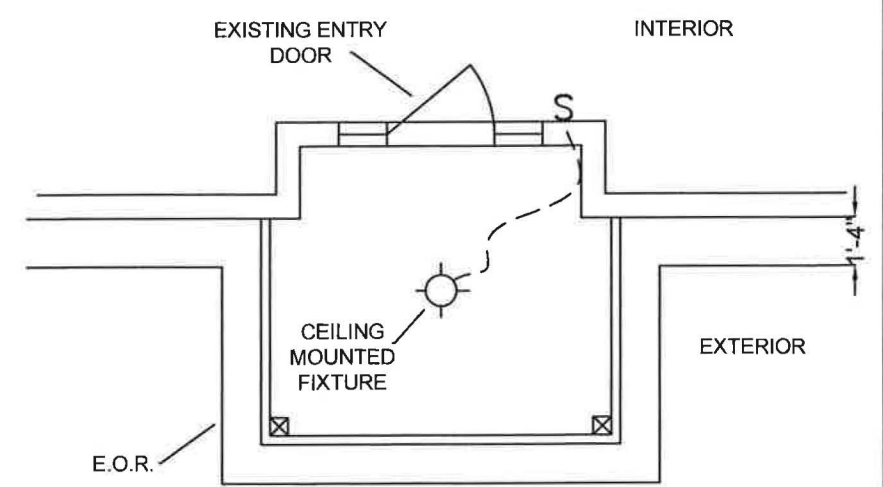
JOB #: 22049
DATE: 1-9-23
PAGE: A1



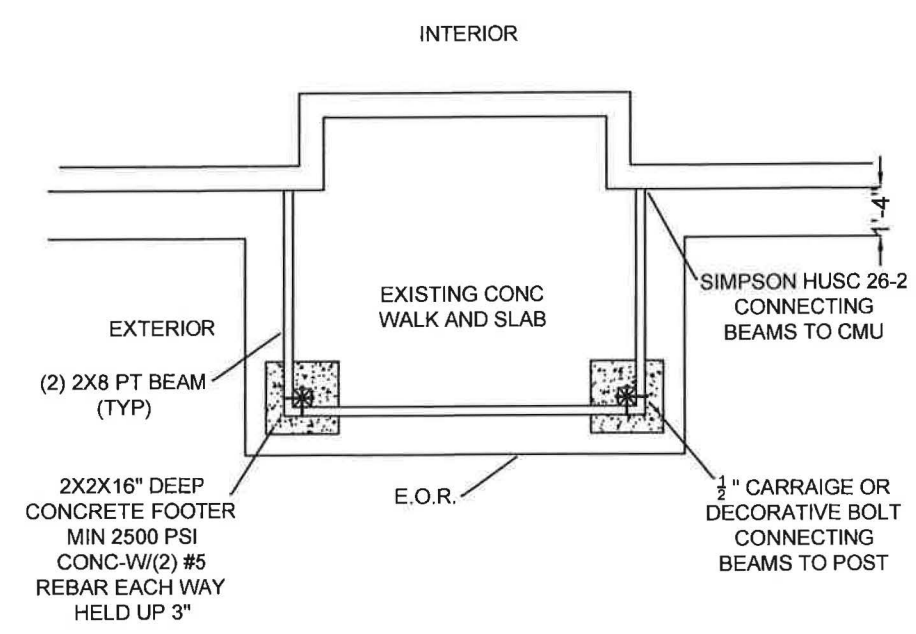
EXISTING FRONT PORCH PLAN
SCALE: 3/16" = 1'



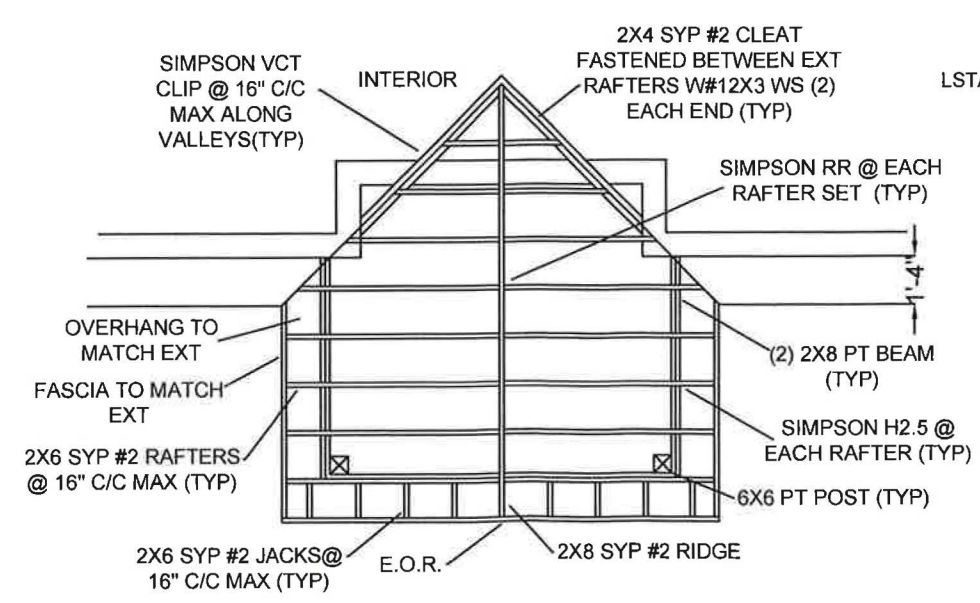
PROPOSED PORCH PLAN
SCALE: 3/16" = 1'



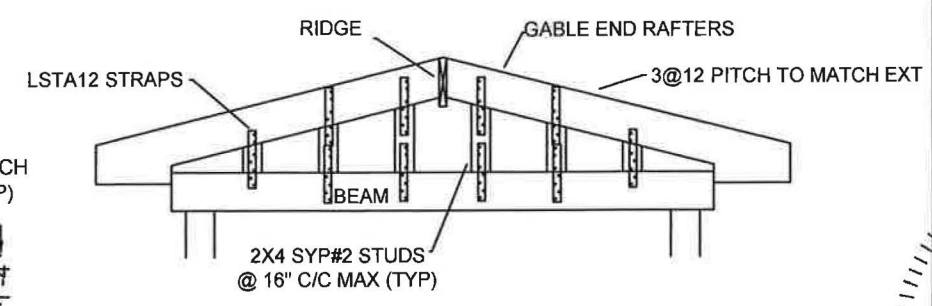
PROPOSED ELECTRIC PLAN
SCALE: 3/16" = 1'



PROPOSED FOUNDATION PLAN
SCALE: 3/16" = 1'



ROOF FRAMING PLAN
SCALE: 3/16" = 1'



GABLE FRAMING DETAIL
SCALE: NTS



SCES
STRUCTURAL & COASTAL ENGINEERING SERVICES, LLC

FBPE REGISTRY # 28736
1648 Taylor Road #7400
Port Orange, FL 32128
WWW.SCES.CO

GENERAL NOTES CONCRETE

1. ALL CONCRETE CONSTRUCTION, WORKMANSHIP AND MATERIAL SHALL COMPLY WITH THE REQUIREMENTS OF ACI 301 "SPECIFICATIONS FOR THE STRUCTURAL CONCRETE FOR BUILDINGS."
2. ALL CONCRETE SHALL BE TYPE I OR II PORTLAND CEMENT COMPLYING WITH ASTM C150 AND SHALL HAVE A 28 DAY COMPRESSIVE STRENGTH SHOWN BELOW:

FOUNDATION SLAB AND BEAMS	2500 PSI
MASONRY GROUT	3000 PSI
OTHER	3000 PSI

3. ALL REINFORCING STEEL SHALL BE DEFORMED BARS CONFORMING TO ASTM A615, GRADE 40 BARS. BARS SHALL BE FREE OF COATING THAT WILL REDUCE CONCRETE BOND.
4. ALL CONCRETE REINFORCEMENT SHALL BE DETAILED, FABRICATED, LABELED, SUPPORTED AND SPACED IN FORMS AND SECURED IN PLACE IN ACCORDANCE WITH ACI 315. "DETAILS AND DETAILING OF CONCRETE REINFORCEMENT."
5. ALL BAR SPLICES, DOWELS AND CONCRETE COVERAGE SHALL MEET THE REQUIREMENTS OF ACI318/318R "BUILDING CODE AND COMMENTARY FOR REINFORCED CONCRETE."
6. CAST IN PLACE BEAMS SHALL HAVE CONTINUOUS TOP AND BOTTOM REINFORCEMENT. LAP SPLICES IN BOTTOM BARS SHALL OCCURE OVER SUPPORTS. TOP BARS SHALL LAP AT MID-SPAN.
7. CONCRETE BEAMS AND SLABS SHALL BE FINISHED LEVEL AND TO ELEVATIONS SHOWN ON DRAWINGS.
8. CALCIUM CHLORIDE SHALL NOT BE USED IN ANY FORM.
9. UNLESS OTHERWISE PERMITTED OR SPECIFIED, CONCRETE SHALL BE PRODUCED TO HAVE A SLUMP OF 4" +/- 1".

ENGINEERING NOTES:

- THE FOUNDATION SHALL MEET ALL FLORIDA CODE REQUIREMENTS.
- REINFORCING BARS TO BE GRADE 40 WITH 25" LAP MINIMUM. (ASTM A-615)
- SLAB & FOUNDATION CONCRETE TO BE MIN 2500 PSI @ 28 DAYS.
- CEILINGS TO BE 1/2" STRUCTURAL DRYWALL.
- ALL MASONRY WALLS ARE TO BE CONSIDERED SHEARWALLS.
- CROSS REFERENCES BETWEEN "HUGHES", "SIMPSON", @ "SEMCO" IS ACCEPTABLE PROVIDED UPLIFT VALUES ARE SATISFIED.
- ANY CHANGES OR DISCREPANCIES IN THE PLANS MUST BE BROUGHT TO THE ATTENTION OF THE ENGINEER OR OWNER PRIOR TO CONSTRUCTION.
- DIMENSIONS SHOULD BE USED IN LIEU OF SCALING WHERE EVER POSSIBLE.
- ENGINEER CERTIFIES STRUCTURE ONLY.
- ALL WOOD IN CONTACT WITH THE GROUND OR EMBEDDED IN CONCRETE ARE TO BE PRESSURE TREATED.
- LUMBER FOR STRUCTURAL FRAMING SHALL BE #2 S.Y.P.
- ALL #2 S.Y.P. IN CONTACT WITH CONCRETE IS TO UTILIZE AN APPROVED MOISTURE/TERMITE BARRIER.
- NOTE: ALL TIE DOWN ANCHORS SHALL BE INSTALL IN A CONTINUOUS LOAD PATH FROM THE ROOF TO THE FOUNDATION.
- ADD ADDITIONAL STRAPS UP TO 3 TOTAL TO MEET UPLIFTS EXCEEDING 1490# DEDUCT 10% FROM UPLIFT VALUE IF MORE THAN ONE STRAP IS USED.

GENERAL NOTES FOR WOOD FRAME CONSTRUCTION:

- GF1 DESIGN PARAMETER
(A) DESIGNED FOR 140 MPH WIND VELOCITY.
(B) DESIGN LOADS:
(1) ROOF LOADS: 10# DEAD LOAD 20# LIVE LOAD
- GF2 LUMBER EXPOSED TO WEATHER OR CONTACTING CONCRETE OR STEEL SHALL BE PRESSURE TREATED (P.T.)
- GF4 THE GENERAL CONTRACTOR SHALL COORDINATE ARCHITECTURAL, STRUCTURAL, ELECTRICAL, AND MECHANICAL WORK FOR ANCHORED, EMBEDDED, AND SUPPORTED ITEMS, WHICH AFFECT STRUCTURAL INTEGRITY. NOTIFY ENGINEER OF ANY DISCREPANCIES IMMEDIATELY PRIOR TO ANY CONTINUATION OF WORK.
- GF5 ANCHOR POSITIONS ARE +/- 1/2"
- GF6 STEEL IN CONTACT WITH P.T. LUMBER SHALL BE HOT DIPPED GALVANIZED OR STAINLESS STEEL.

ENGINEERING NOTES

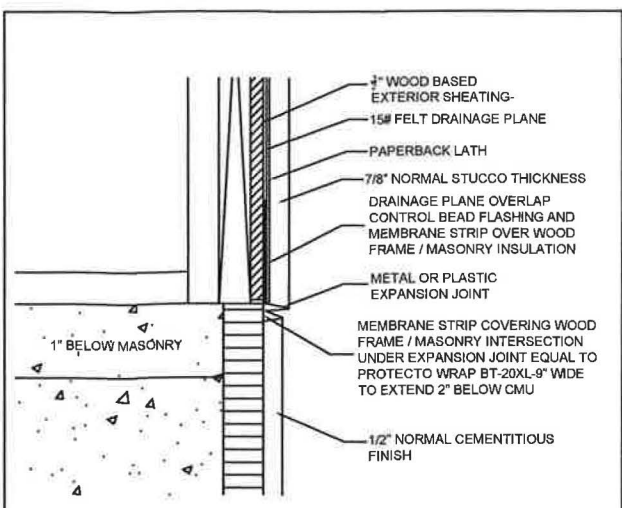
- CROSS REFERENCES BETWEEN "HUGHES", "SIMPSON", @ "SEMCO" IS ACCEPTABLE PROVIDED UPLIFT VALUES ARE SATISFIED.
- ANY CHANGES OR DISCREPANCIES IN THE PLANS MUST BE BROUGHT TO THE ATTENTION OF THE ENGINEER OR OWNER PRIOR TO CONSTRUCTION.
- DIMENSIONS SHOULD BE USED IN LIEU OF SCALING WHERE EVER POSSIBLE.
- ENGINEER CERTIFIES STRUCTURE ONLY.

GENERAL NOTES

- DESIGN AND LOADING:
 - ALLOWABLE UNIT STRESS AND DESIGN CRITERIA.
 - BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE ACI 318
 - FLORIDA BUILDING CODE 2020
- SOIL:
 - NET ALLOWABLE SOIL BEARING PRESSURE USED IN DESIGN 2000 PSF (ASSUMED VALUE) FOR CONTINUOUS WALL FOOTINGS. THE EOR SHALL BE HELD HARMLESS IN THE CASE OF SOIL DEFICIENCIES DISCOVERED LATER
- CONCRETE AND REINFORCING:
 - ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH ACI 318 AND WITH SPECIFICATIONS FOR STRUCTURAL CONCRETE BUILDING ACI 301.
 - ALL CONCRETE SHALL DEVELOP MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI IN 28 DAYS.
 - REINFORCING BARS SHALL CONFORM TO ASIM A615, A616 OR A617-GRADE 60
- ALL STRUCTURAL LUMBER SHALL BE #2 SYP. #2 GRADE OR BETTER SPF (ALL LUMBER EXPOSED TO WEATHER OR AGAINST SOIL, CONCRETE OR MASONRY SHALL BE PRESSURE TREATED).
- STEEL IN CONTACT WITH P.T. LUMBER SHALL BE HOT DIPPED GALVANIZED

LIVE LOADS:

A) UNINHABITABLE ATTIC WITHOUT STORAGE:	10PSF,
B) UNINHABITABLE ATTIC WITH LIMITED STORAGE:	20PSF,
C) HABITABLE ATTICS AND ATTICS SERVED WITH FIXED STAIRS:	30PSF,
D) BALCONIES (EXTERIOR) AND DECKS:	40PSF,
E) GUARDS AND HANDRAILS:	200PSF,
F) GUARD IN-FILL COMPONENTS:	50PSF,
G) PASSENGER VEHICLE GARAGES:	50PSF,
H) ROOMS OTHER THAN SLEEPING ROOM:	40PSF,
I) SLEEPING ROOMS:	30PSF,
J) STAIRS:	40PSF. (FBC-RESIDENTIAL R301, TABLE R301.5)



EXTERIOR WALL FINISH TO BE PAINTED STUCCO FINISH COLOR & FINISH PER OWNER REQUIREMENTS FOR THE APPLICATION OF FULL THICKNESS PORTLAND CEMENT-BASED PLASTER FOR EXTERIOR (STUCCO) AND INTERIOR (IF REQUIRED) CLADDING ASSEMBLIES SHALL COMPLY WITH ASTM C926 AND ASTM C1063.

STUCCO DETAIL
SCALE: NTS

ENGINEERING NOTES:

- ENGINEERING MEETS OR EXCEEDS 2020 FLORIDA BUILDING CODE, RESIDENTIAL, PER SECTION R301, USING ASCE 7- 10, 140 mph BASIC WIND SPEED (Vult), RISK CATEGORY II, V_{asd} = 108 mph.
- EXPOSURE C
INTERNAL PRESSURE COEFFICIENT = +_ 0.18

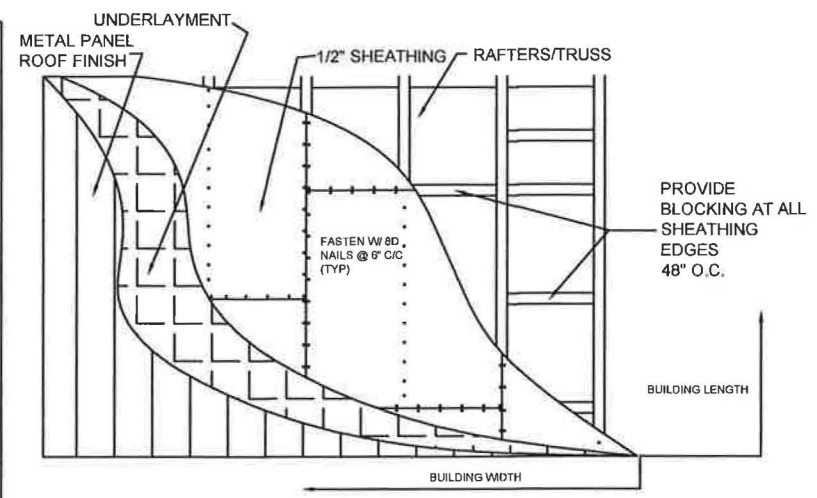
ROOF VENTILATION NOTES

The total net free ventilating area shall not be less than 1 to 300 of the area of the space ventilated, provided at least 50% and not more than 80% of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet above eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents.

PORCH 60 SF / 300 = .02 SF VENT REQUIRED
SUPPLY 4' OF COBRA RIDGE RUNNER VENTS OR RIDGE VENTS (LIKE EQUIVALENT) INSTALL AS PER MANUFACTURER'S SPECS

SOFFIT CALC.

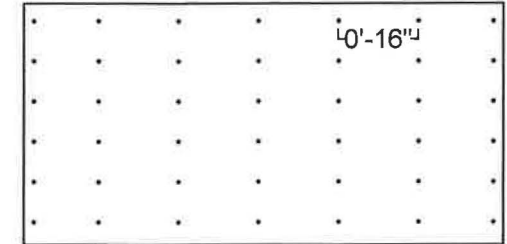
WORST CASE WIND PRESSURE: -.89#/SF
SOFFIT @ 16" 1.33X10FT=13.3'
13.3'X-.89#=-1183.7#
#10X1-1/4"=209# PULLOUT
-1183.7# / 209# = 5.6 OR 6 SCREWS PER 10 LINEAR FEET
USE #10X1-1/4" WS @ 1.5' C/C INSIDE & OUT TRACK OF SOFFIT
TOTAL UPLIFT PRE 10 LINEAR FEET OF SOFFIT: -1183.7# WORST CASE
PROVIDED 6 FASTENERS PER SIDE FOR TOTAL OF 12 PER 10 LINEAR FEET
12 FASTENERS X 209# = -2,508# > -1183.7# F.S. = 2.1



UNDERLAYMENT NOTE

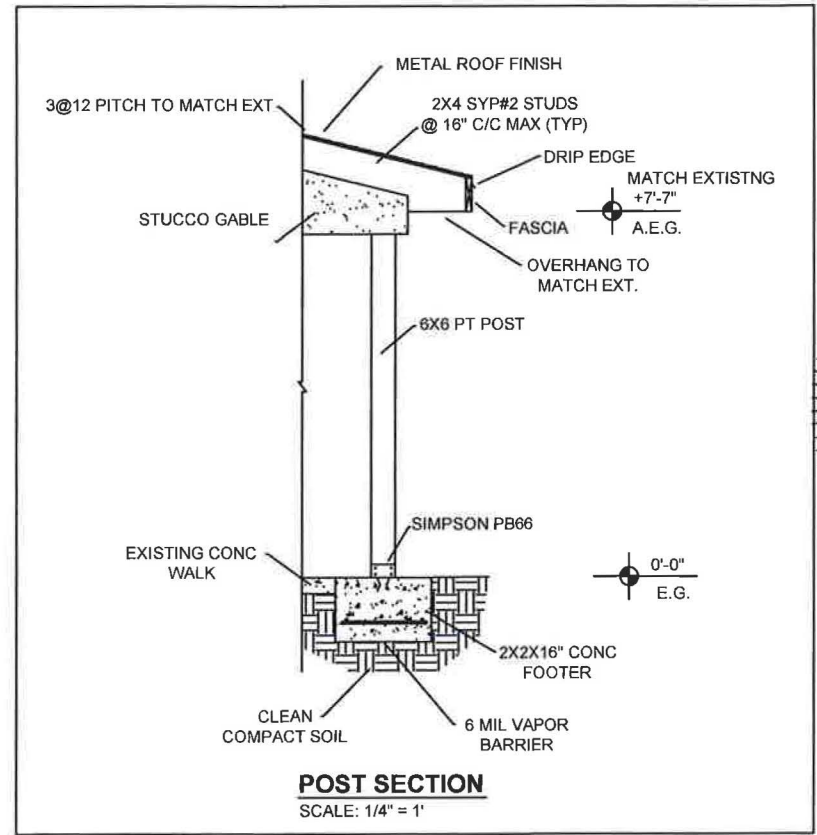
- SLOPE ROOF UNDERLAYMENT TO BE PEEL & STICK UNDERLAYMENT (SELF-ADHERED) BY GRAF STORM GUARD OR APPROVED EQUAL. TO CONFORM TO SECTION 1507.1.1 OF THE 7TH EDITION (2020) FBC AND SECTION R905.1.1. OF THE 7TH EDITION (2020) FBCR
- (OR) SLOPE ROOF UNDERLAYMENT TO CONFORM TO SECTION 1507.1.1 OF THE 7TH EDITION (2020) FBC AND SECTION R905.1.1. OF THE 7TH EDITION (2020) FBCR

ROOF LAYERS
SCALE: NTS

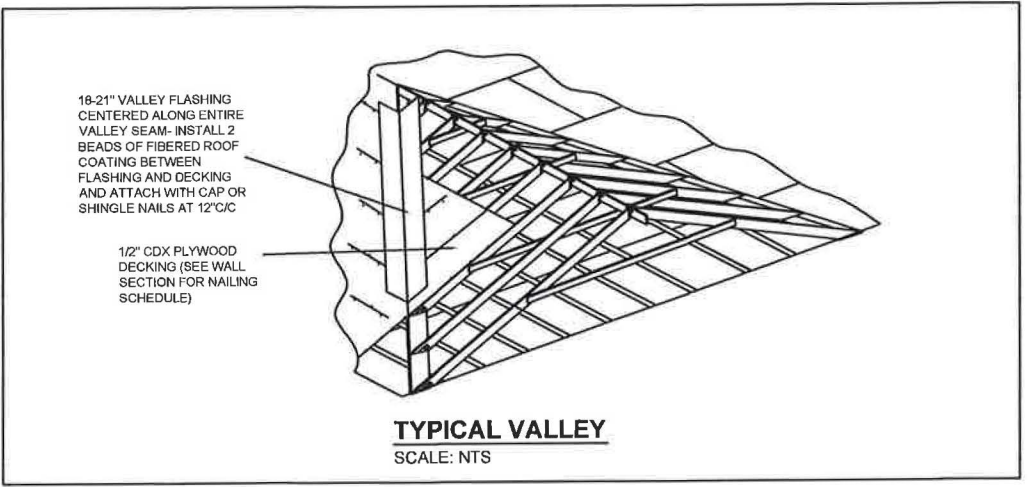


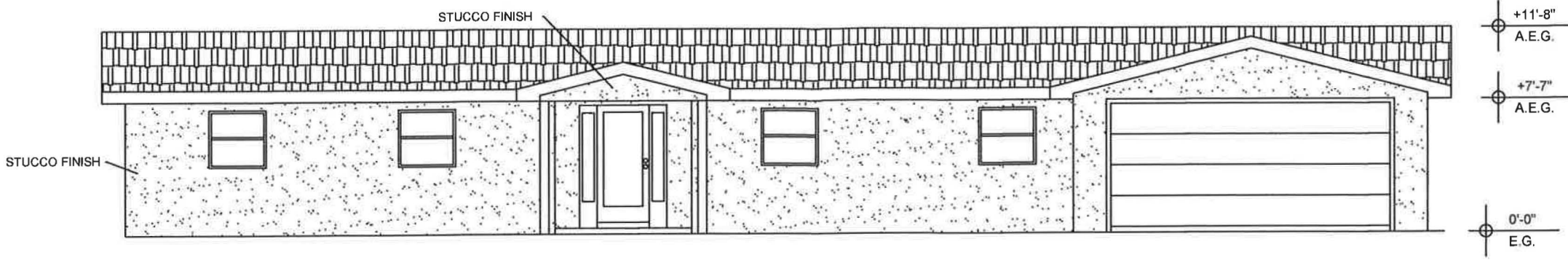
ROOF/GABLE SHEATHING
SCALE: NTS

ROOF SHEATHING:
1/2" CDX PLYWOOD OR OSB
NAILING SCHEDULE:
8d RINGSHANK, 6" OC
4" OC @ GABLE

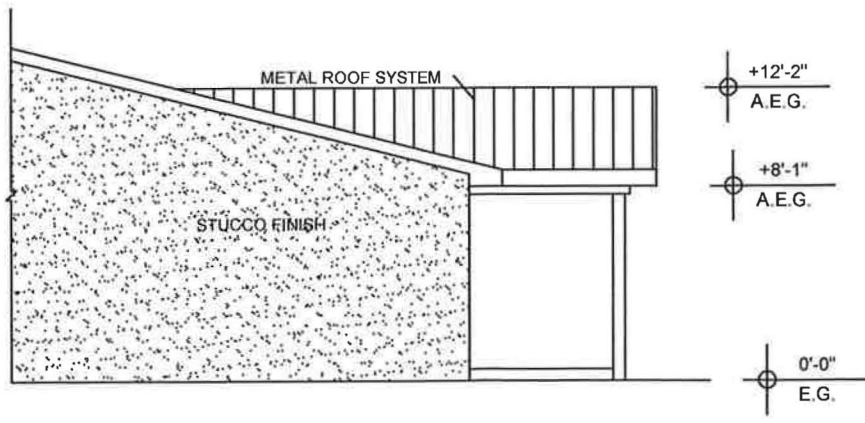


POST SECTION
SCALE: 1/4" = 1'





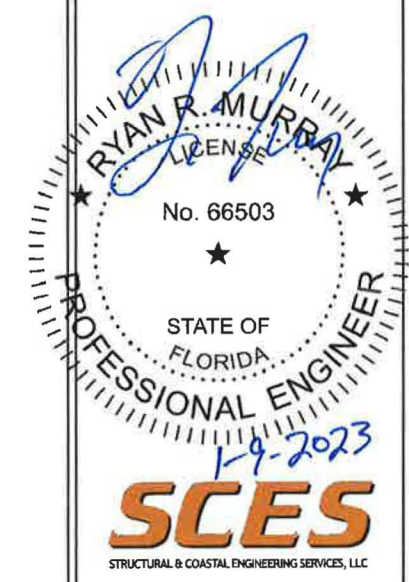
PROPOSED FRONT ELEVATION
 SCALE: 1/8" = 1'



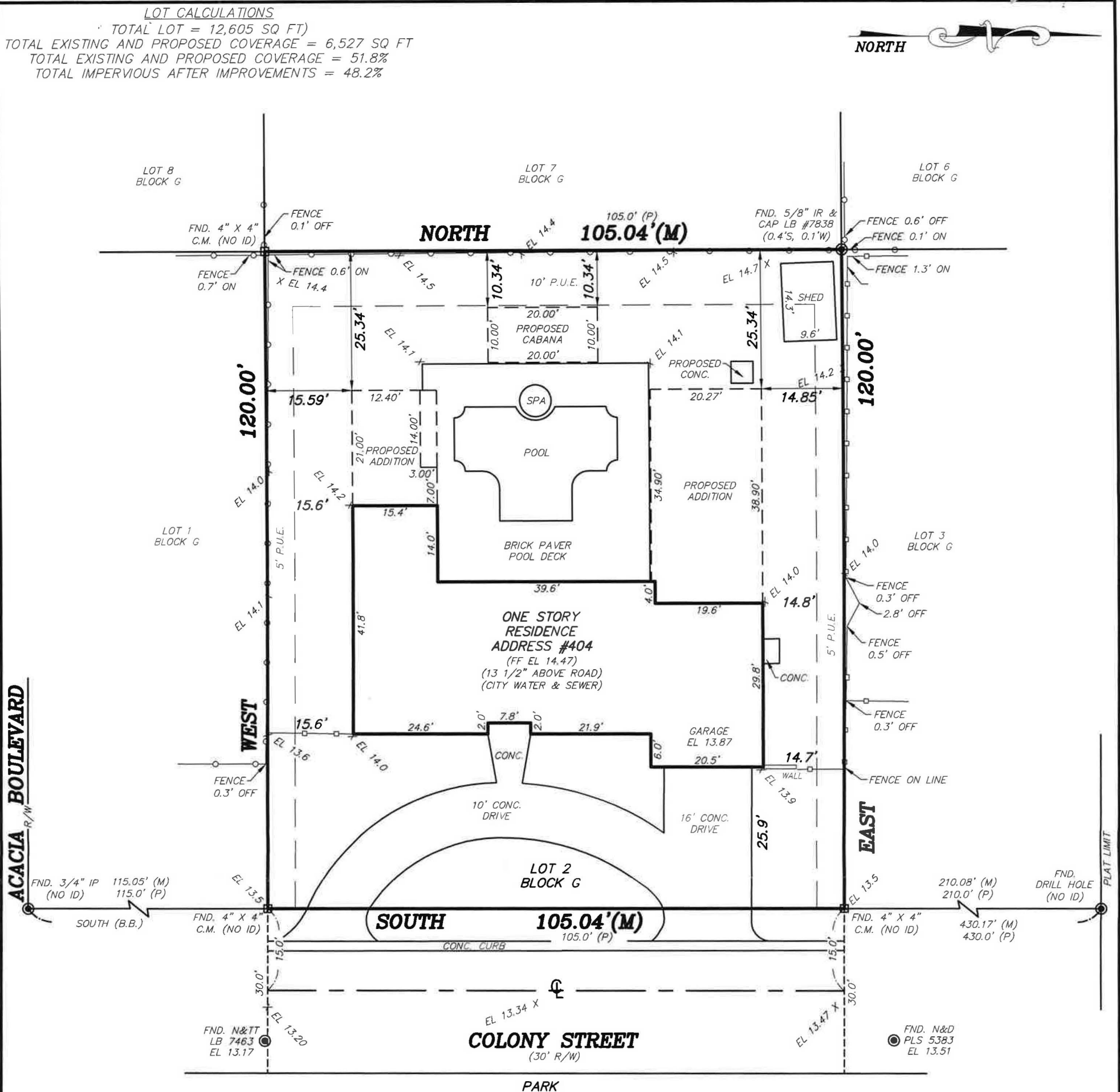
PROPOSED SIDE ELEVATION
 SCALE: 1/8" = 1'

PROJECT:
 PROPOSED PORCH UNDER ROOF
 404 COLONY ST
 MELBOURNE, FL

JOB #: 22049
 DATE: 1-9-23
 PAGE: A3



FBPE REGISTRY # 28736
 1648 Taylor Road #7400
 Port Orange, FL 32128
 WWW.SCES.CO



AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #12009C 0608 H, DATED JANUARY 29, 2021 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

TYPE OF SURVEY:
 BOUNDARY

SCALE: 1" = 20'

TOPOGRAPHIC: 08-12-21
PLOT PLAN: 03-12-21
FIELD DATE: 03-09-21

SECTION 06, TOWNSHIP 28 SOUTH, RANGE 38 EAST

PROJECT #44266

GENERAL NOTES:

- THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
- THIS SURVEY AND DRAWING IS FOR THE SOLE USE AND BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE AS NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE SURVEYOR, AND ANY REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
- NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
- THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
- BEARINGS ARE BASED ON AN ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
- ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
- "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

ANDREW W. POWSHOK
 P.L.S. No. 5383

DANIEL D. GARNER
 P.L.S. No. 6189

LEGEND

(B.B.)	- BEARING BASIS
B.S.L.	- BUILDING SETBACK LINE
CB	- CHORD BEARING
CH	- CHORD LENGTH
CL	- CENTERLINE
C.M.	- CONCRETE MONUMENT
C.M.P.	- CORRUGATED METAL PIPE
CONC.	- CONCRETE
(D)	- DEED
DELTA	- DELTA
D.E.	- DRAINAGE EASEMENT
EL	- ELEVATION
EP	- EDGE OF PAVEMENT
FF	- FINISH FLOOR
FND	- FOUND
IP	- IRON PIPE
IR	- IRON ROD
L	- ARC LENGTH
LB	- LICENSE BUSINESS
(M)	- MEASURED
N&D	- NAIL AND DISK
N&TT	- NAIL AND TIN TAB
OHW	- OVERHEAD WIRE
(P)	- PLAT
PC	- POINT OF CURVATURE
PLS	- PROFESSIONAL LAND SURVEYOR
P.O.L.	- POINT ON LINE
PP	- POWER POLE
PT	- POINT OF TANGENCY
P.U.	- PUBLIC UTILITY
R	- RADIUS
R.C.P.	- REINFORCED CONCRETE PIPE
R/W	- RIGHT OF WAY
XX.XX	- PROPOSED GRADE

Planning and Zoning Board/LPA Agenda Item

Section: Public Hearing

Meeting Date: February 7, 2023

Subject: Proposed Ordinance 2023-01 (Landscaping and Trees Section 9A)

Submitted By: Town Attorney Repperger

Background Information:

On June 15, 2022, the Town Commission directed that Town Staff develop an Ordinance improving regulation regarding landscaping and trees.

Summary of Proposed Ordinance Amendments:

- Amends Section 9A-4 to require permitting, removal standards, and exempt trees posing and unacceptable risk in accordance with Florida Law.
- Amends Section 9A-5 to regarding number of tree removal plans required.
- Amends Section 9A-6 to provide for dimensions for replacement trees.
- Amends Section 9A-7 to revise minimum tree plantings for new construction.
- Amends Section 9A-10 to provide for clarified exemptions in accordance with State Law.
- Amends Section 9A-12 to provide for enhanced penalties for mature tree removal without a permit.
- Amends Section 7A-53 to allow for fences/walls extending beyond the front building line on residential lots abutting A1A and Oak Street south of Ocean Avenue to be erected to a maximum height of six (6) feet with required plantings and corner lot limitations.
- Amends Section 7A-53 to clarify references to fences and walls.
- Amends Section 7A-58 to clarify references to fences and walls.

Attachments:

- Draft Ordinance 2023-01.
- Minutes from Town Commission Meeting of June 15, 2022
- Email from Town Planner Corey O’Gorman regarding additional considerations.

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING; APPENDIX “A” OF THE TOWN CODE OF ORDINANCES OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 9A REGARDING LANDSCAPING AND TREES; SPECIFICALLY AMENDING SECTION 9A-4, PERMIT REQUIRED FOR CUTTING DOWN TREE; SPECIFICALLY AMENDING AND RENAMING SECTION 9A-5, APPLICATION FOR PERMIT; REVIEW OF APPLICATION; MINIMUM CONSTRUCTION STANDARDS; SPECIFICALLY AMENDING SECTION 9A-6, ON-SITE INSPECTION; SPECIFICALLY AMENDING SECTION 9A-7, MINIMUM TREE PLANTINGS; SPECIFICALLY AMENDING SECTION 9A-10, EXCEPTIONS; SPECIFICALLY AMENDING SECTION 9A-12, PENALTY; AMENDING ARTICLE IV, CHAPTER 7A, SUPPLEMENTARY DISTRICT REGULATIONS; SPECIFICALLY AMENDING SECTION 7A-53, FENCES AND WALLS; SPECIFICALLY AMENDING SECTION 7A-58, VISION CLEARANCE AT CORNERS; 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.

WHEREAS, the Town of Melbourne Beach desires to amend the Land Development Code of the Town of Melbourne Beach regarding Landscaping and Trees and Fences and Walls within the Town of Melbourne Beach; and

WHEREAS, the Town Commission of the Town of Melbourne Beach, after duly noticed public hearings, has determined that the amendments various sections of Chapter 9A and Section 7A-53 of the Land Development Code proposed in this Ordinance will provide for the improved regulation of required Landscaping and Trees and Fences and Walls in the Town of Melbourne Beach; and

WHEREAS, the Town Commission of the Town of Melbourne Beach, after duly noticed public hearings, has determined that the amendments to various sections of Chapter 9A and Section 7A-53 of the Land Development Code proposed in this Ordinance are consistent with the Comprehensive Plan, are in the best interests of its citizens of the Town of Melbourne Beach, and promote the general health, safety, and welfare of the residents of the Town of Melbourne Beach; and

WHEREAS, on February 7, 2023 the Planning and Zoning Board/Local Planning Agency (collectively the “LPA”) at a duly noticed public hearing, reviewed and considered the proposed amendments to Chapter 9A and Section 7A-53 of the Land Development Code and took public comment regarding the same; and

WHEREAS, the LPA has determined that the proposed amendments to Chapter 9A and Section 7A-53 of the Land Development Code are consistent with the Town’s Comprehensive Plan and are in the best interest of the Town of Melbourne and has recommended that the Town Commission approve of the same.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA:

SECTION 1. That Article I, Chapter 9A, of Appendix “A,” of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby amended to read as follows:

* * *

§9A-4. PERMIT REQUIRED FOR CUTTING DOWN TREE.

No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, remove, move or effectively destroy through damaging any tree situated on property in any zoning district without first obtaining a permit as herein provided. Tree removal on any property in any zoning district shall be in accordance with the standards mandated in the most recent edition of the Best Management Practices - Tree Risk Assessment published by the International Society of Arboriculture or a certification from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect as to substantial compliance with such standards. A Town tree removal permit is not required for the removal of any tree which poses an unacceptable risk pursuant to Fla. Stat. Sec. 163.045 or as such section may be amended.

§9A-5. APPLICATION FOR PERMIT; REVIEW OF APPLICATION.

(a) Application. Permits for removal, relocation, or replacement of trees covered herein, shall be obtained by making application for a permit to the Building Official. The application shall be accompanied by a written statement indicating the reason for removal, relocation, or replacement of trees and ~~four~~ two copies of a legible site plan drawn to a minimum scale of one inch equals 20 feet, indicating the following:

- (1) Location of all existing or proposed structures, improvements, and sites used, properly dimensioned and referenced to property lines, setback, and yard requirements;
- (2) Location of existing or proposed utility services, when known;
- (3) The location of all trees on the site designating the trees to be retained, removed, relocated, or replaced. Groups of trees in close proximity may be designated as clumps of trees

with the predominant type and estimated number and average diameter noted. Only those trees to be removed, relocated, or replaced must be named (common or botanical name) on the site plan;

(4) The tree information required above shall be summarized in legend form on the plan and shall include the reason for the proposed removal, relocation, or replacement; and

(5) An application involving developed properties may be based on drawings showing only that portion of the site directly involved, and adjacent structures and landscaping or natural growth incidental thereto.

(b) Application review. Upon receipt of a proper application, the Building Official shall review the application, which will include a field check of the site and referral of the application to others concerned as necessary, to determine any adverse effect upon the general public welfare, adjacent properties, or Town services and facilities.

§9A-6. ON-SITE INSPECTION.

(a) On-site inspection. Prior to the issuance of a permit for tree removal or relocation, the Building Official or his agent shall conduct an on-site inspection to determine whether or not such a removal or relocation conforms to the requirements of this chapter.

(b) Issuance.

(1) Removal. No permit shall be issued for tree removal unless one of the following conditions exists:

a. The tree is located in a buildable area or yard where a structure or improvements may be placed and it unreasonably restricts the permitted use of the property;

b. The tree cannot be relocated on or off the site because of age, type, or size of tree;

c. The tree is diseased, dead, injured, in danger of falling, too close to existing or proposed structures, interferes with utility service, creates unsafe vision clearance, or conflicts with other ordinances or regulations; or

d. It is in the welfare of the general public that the tree be removed for a reason other than set forth above.

(2) Relocation or replacement. As a condition to the granting of a permit, the applicant may be required, where practical, to relocate the tree being removed or be required to replace the tree being removed with a tree somewhere within the site of the type that will attain an overall height of at least ~~15~~ twelve feet (12') and have a trunk caliper of at least two inches (2") at planting, measured ~~six inches~~ four and one half feet (4.5') above grade. The green areas left after all building and parking lot requirements have been met shall contain a tree density equal to or greater than that existing on the overall site before the beginning of construction.

§9A-7. MINIMUM TREE PLANTINGS.

(a) Trees in residential zoning districts. ~~A minimum of three trees must exist or must be planted on each newly developed residential lot.~~ Trees planted must be of a variety which is compatible with the existing soil and drainage-conditions and must be provided with adequate water and food materials to encourage growth. Trees shall be planted in locations so as not to cause danger to nor interference with existing structures at the time of maturity.

(b) Buffer and tree planting requirements for all non-residential and multiple family residential uses.

(1) A landscape buffer with a minimum of ten feet in width shall be provided between any residentially zoned property and a property utilized for a non-residential or multiple family residential use. Responsibility for providing a landscape buffer shall be upon the nonresidential or multifamily use. The landscape buffer shall include a minimum of one canopy tree for every 40 linear feet, or fraction thereof. In addition one ornamental tree or palm shall be planted for each 50 linear feet, or fraction thereof.

(2) A landscape buffer with a minimum of ten feet in width shall be provided along all road frontage of the site. The landscape buffer shall include a minimum of one canopy tree for every 25 feet of frontage, or fraction thereof.

(3) A continuous hedge shall be planted in all perimeter landscape buffer areas.

(4) Parking areas shall be designed so that there is a minimum of 200 square feet of open space, not including perimeter landscape buffer areas, at the end of each row of parking. In addition a minimum of 200 square feet of open space shall be provided in the interior of the parking lot for each ten parking spaces, or fraction thereof. These open spaces shall be distributed throughout the parking lot in a manner that no more than ten parking spaces in a row shall be allowed without an intervening landscaped area.

(5) Minimum specifications for trees and hedge material shall be as follows:

a. Canopy trees at the time of planting shall have a trunk diameter of two inches measured four and one-half feet above ~~the ground grade~~. The trees shall be a minimum of eight feet in height and have a minimum spread of five feet. The trees are not required to be spaced evenly along property lines.

b. Ornamental trees at the time of planting shall have a trunk diameter of one and one-half inches measured four and one-half feet above ~~the ground grade~~. The trees shall be a minimum of six feet in height and have a minimum spread of four feet.

c. Palms at the time of planting shall have a minimum clear trunk of eight feet.

d. Hedge material at the time of planting shall be a minimum of 18 inches in height when planted. Individual plants shall be planted a maximum of 24 inches on center.

(6) All plant material shall be Florida Number 1 in quality and shall be planted according to sound landscape installation standards.

(7) All landscaping shall be maintained to present a neat and orderly appearance. Dead, deteriorating or missing landscape material shall be replaced with substantially equivalent landscaping as permitted by the Land Development Code. Replacement of landscaping material shall occur within 60 days, unless said time is extended by the Town Manager for good cause shown.

(8) Exceptions shall be considered on an individual basis when obstacles such as overhead power lines or other conditions inhibit the ability to comply.

(9) Canopy trees shall be those that develop a crown spread of 25 feet or greater at maturity. Trees with less than 25 feet of crown spread at maturity shall be considered ornamental trees.

(10) Clusters of three palms shall be an acceptable substitute for up to 50% of the required canopy trees and 50% of the required ornamental trees.

(11) Landscape material should be drought tolerant to the extent practical and feasible. A water source shall be available to ensure the plant material can be watered while it is being established and during drought occurrence. Automatic irrigation systems may be utilized.

(12) Currently developed sites that do not meet the landscape requirements will not be considered non-conforming. Landscaping consistent with the regulations shall be installed at these sites, to the extent practical, as redevelopment occurs. Unless complete reconstruction or rehabilitation that results in closure of a building or buildings for a period of over six months occurs, full compliance with this section shall not be required.

(c) Minimum replacement standards for new construction. Any trees that are removed for new construction shall be replaced by the same or similar species. Specifically for mature oak trees, replacement of two (2) similar species for each tree removed shall be required which at a minimum will attain an overall height of at least twelve feet (12') and have a trunk caliper of at least two inches (2") at planting, measured six inches four and one half feet (4.5') above grade.

* * *

§9A-10. EXCEPTIONS.

(a) In the event that any tree shall be determined to pose an unacceptable risk as provided for in § 9A-4 or to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety and requires immediate removal without delay, ~~authorization may be given by the Public Works Department, and the such tree may removed without first~~ obtaining a written permit as herein required. ~~Such authorization shall be given in writing.~~

(b) During a period of emergency, such as a hurricane, tropical storm, flood, or any other act of God, the requirements of this Article may be waived by the Town Commission.

(c) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this Article only in relation to those trees planted and growing on the premises of the licensee, which are so planted and growing for sale or intended sale to the general public in the ordinary course of the licensee's business.

(d) The types of trees included on the current Florida Noxious Weed List and Florida Exotic Pest Council's List of Invasive Plant Species shall be exempt from the terms and provisions of this article and shall not be used to meet any replacement or planting requirements.

* * *

§9A-12. PENALTY.

The improper removal of each tree shall constitute a separate offense under this chapter. Violation of this chapter and imposition of the penalty shall be determined and imposed by the Code Enforcement Board Special Magistrate or by a court of proper jurisdiction.

Removal of any mature oak or similar trees without first obtaining a permit from the Town as required in § 9A-4 shall constitute prima facie evidence of a violation which is irreparable or irreversible in nature for the purposes of enhanced fine assessment provided for in §11-21(b)(1) or as otherwise amended.

* * *

SECTION 2. That Article IV, Chapter 7A, Section 7A-53, of Appendix "A," of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby amended to read as follows:

§7A-53. FENCES AND WALLS.

* * *

- (2) Fence/wall height - all zoning districts except as otherwise provided.
 - a. Fences/walls on rear property lines may be erected up to a maximum height of six (6) feet.
 - b. Fences/walls on interior side lot lines may be erected up to a maximum height of six (6)feet from the rear property line up to the front building line.
 - c. Portions of fences/walls that extend beyond the front building line may be erected up to a maximum height of four (4) feet, except that on residentially zoned lots abutting State Road A1A

and Oak Street south of Ocean Avenue fences/walls that extend beyond the front building line may be erected up to maximum height of six (6) feet. For any fence/wall installed on any lot beyond the front building line on or after March 16, 2023, any portion of the fence/wall running parallel to any right-of-way frontage shall have no less than four feet (4') of vegetation planted on the right-of-way side of the fence/wall.

d. Fences/walls on corner side lot lines may be erected up to a maximum height of six (6) feet from the rear property line up to the front building line.

e. Portions of fences/walls on corner side lot lines that extend beyond the front building line may be erected up to a maximum height of four (4) feet, except that on residentially zoned lots abutting State Road A1A and Oak Street south of Ocean Avenue fences/walls that extend beyond the front building line may be erected up to maximum height of six (6) feet. For any fence/wall installed on any lot beyond the front building line on or after March 16, 2023, any portion of the fence/wall running parallel to any right-of-way frontage shall have no less than four feet (4') of vegetation planted on the right-of-way side of the fence/wall. Any fence/wall installed on any corner side lots that extend beyond the front building line must meet the sight triangular clearance requirements of §7A-53(4) and §7A-58 as may be amended.

f. Chain link fences, to a maximum height of ten (10) feet, may be erected around tennis courts. The fences may be erected on the property line, behind the front building line, or on the rear property line, if the fence does not encroach upon any easements, rights-of-way, or similar encumbrances.

g. Ornamental entrances, fountains, plant containers, and similar architectural features exceeding the wall height restriction will be permitted, provided that:

i. No such feature shall exceed in height the wall height restriction for that district plus one (1) foot; and

ii. There shall be only one such feature in any front, side or rear yard, except that there may be two (2) entrance gates.

(3) Fence/wall height measurement. The required fence/wall height is measured from the finished grade of the land where the fence/wall is located prior to berming or placement of fill in excess of that required by the Code of Ordinances, to the highest point of the fence/wall, including posts and ornamental and architectural features. A survey prepared by a licensed Florida mapper and surveyor with reference elevations shall be submitted with all wall and fence permit applications. Fence/wall height shall be measured from the surveyed elevation prior to placement of fill.

(4) Vision clearance at corners. Fences/walls on corners lots shall not be located within the triangular clearance area formed by lines that are measured from the point of intersection of the rights-of-way a distance of 25 feet, along the lot lines, parallel to each street and the line that connects the endpoints of the two lines measured from the point of intersection of the rights-of-way.

(5) Maintenance. All fences/walls shall be continuously maintained in a good and non-deteriorated condition, free of graffiti, peeling or blistering paint, broken or missing boards or posts, broken concrete block masonry, and the like.

(6) Submission of plans and building permits. Plans showing the exact location of all walls, fences, and hedges, and the proposed height, construction, and materials to be used, shall be submitted to the Building Official for approval, and the issuance of a permit for same upon payment for the permit. Termite and rot-resistant durable wood or rust and corrosion resistant material (or finish) shall be used.

(7) ~~Fencing~~ Enclosing of easements, rights-of-way, and sidewalks.

(a) In the event a lot owner fences or encloses any utility easement, as a condition of any fence/wall permit, the lot owner agrees and understands that utilities, rights-of-way, and sidewalks may need repair, maintenance, installation or removal, from time to time, and that to do so it may be necessary for utility companies or public and governmental agencies, or their respective employees, agents, or independent contractors, to remove certain portions of a lot owner's fence/wall. The lot owner/occupant agrees as a permit condition to hold harmless the Town, any other governmental agencies, and any utility company, and their respective employees, agents, officials, and independent contractors, in both their official and individual capacities, from any costs related to fencing/walls or damages to fencing/walls arising from removal, repair, installation or maintenance of any utilities, rights-of-way, sidewalks or fences/walls. As used in this paragraph, the term utilities shall include cable television companies.

(b) Prior to issuance of a building permit for a fence or wall constructed on an easement or right-of-way the property owner shall sign an affidavit stating agreement with the conditions of this section.

(8) Installation. Fencing/walls shall be installed in such a manner as not to detract from the value of the adjoining residential property; in particular, the fence/wall shall have the finished side face the adjoining property. Walls and fences shall be installed abutting the property line in such a manner that they are located entirely on the property of the owner of the structure.

(9) Fences/walls abutting beach or river access way or rights-of-way. Fences/walls up to a height of six (6) feet are allowed adjacent to and abutting any public or private motor vehicle or pedestrian access or right-of-way connecting to the Indian River Lagoon or the beach along the Atlantic Ocean. Said fence/wall may be located forward of the front building line; provided that said fence shall not be of a chain-link type. All of said fence/wall shall be setback a minimum of five (5) feet from any right-of-way line.

* * *

SECTION 3. That Article IV, Chapter 7A, Section 7A-58, of Appendix “A,” of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby amended to read as follows:

§7A-58. VISION CLEARANCE AT CORNERS.

Vision clearance at corners. Fences/walls on corner lots shall not be located within the triangular clearance area formed by lines that are measured from the point of intersection of the rights-of-way a distance of 25 feet, along the lot lines, parallel to each street and the line that connects the endpoints to the two lines measured from the point of intersection of the rights-of-way.

SECTION 4. Severability/Interpretation Clause.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

- (1) Words underlined are additions to existing text.
- (2) Words ~~stricken through~~ are deletions from existing text.
- (3) Asterisks (* * *) indicates a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinance denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 5. Codification. The provisions of this Ordinance shall be codified as, and become and be made a part of, the Town of Melbourne Beach Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 6. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 7. Effective Date. This Ordinance shall become effective upon adoption.

SECTION 8. Adoption Schedule.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 16th day of February, 2023, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 16th day of March, 2023.

TOWN OF MELBOURNE BEACH, FLORIDA

By: _____
WYATT HOOVER, Mayor

ATTEST:

(TOWN SEAL)

Amber Brown,
Town Clerk

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
JUNE 15, 2022 at 6:00 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce Barton
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Cliff Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Police Chief Melanie Griswold
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

1. Call to Order

Mayor Wyatt Hoover called the meeting to order at 6 p.m.

2. Roll Call

Interim Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Wyatt Hoover
 Vice Mayor Joyce Barton
 Commissioner Sherri Quarrie
 Commissioner Corey Runte
 Commissioner Marivi Walker

Staff Members Present

Town Manager Elizabeth Mascaro
 Town Attorney Clifford Repperger
 Finance Manager Jennifer Kerr
 Building Official Robert Bitgood
 Fire Chief Gavin Brown
 Police Chief Melanie Griswold
 Public Works Director Tom Davis
 Interim Town Clerk Amber Brown

Commission Members Absent

None

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance

4. Presentation

- A. Police Chief Melanie Griswold presented Officer Leon Bennett with the Meritorious Service Award.

5. Public Comments

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

Mike Slaughter
321 Ocean Ave

Mike Slaughter stated he is here representing the Melbourne Beach Rotary Club to provide a donation of money to the Fire Department. The Fire Department is in need of the Scott RIT pack fast attack system which is used to help save firefighters in a burning building. The funds were raised on Founder's Day.

Ali Dennington
413 Surf Rd

Ali Dennington stated Amber is doing a great job on the minutes. She asked if there is anything the Commission can do for the parents who want to volunteer at the school because they have to drive to Viera to take a computer-based test. Ali asked about getting Town emails for interns to make sure nothing is lost.

Mayor Wyatt Hoover stated the School Board is in Viera which is probably why they do it there, but we can look into it.

Jude Wilson
526 Sunset

Jude Wilson stated she brought pictures of the median on Sunset. She stated these pictures are from a couple different days when it rained. She asked for public works to continue cutting the curb to allow the rain to drain. She stated she had engineers go to her house and they stated the street was built higher than her lot. Jude asked the Commission to look into this more as this is an infrastructure problem.

Sheila Tyre
532 Sunset

Sheila Tyre stated she also has concerns about Sunset Blvd possibly because of flooding. She thought years ago there was a baffle system to help drain water down towards the river. She asked if there is a baffle system there and if it is working. Sheila stated she is fine without the curb, but now it looks funny with only sections of the curb cut out. What about taking out the whole curb. She stated water control is more important than esthetics

Mayor Wyatt Hoover stated this is an ongoing project where steps are being taken and they assess the results before proceeding. He stated they will continue to look into it.

Town Manager Elizabeth Mascaro stated there was a baffle system installed, but she does not know what its current status is.

Todd Shier
1708 Atlantic St

Todd Shier asked what the definition of recovery funds that were mentioned and if we have any in the budget and what amount.

Mayor Wyatt Hoover stated that the funds mentioned are the ARPA funds which is the American Recovery Plan Act. ARPA funds were provided to the municipalities from the Federal Government based on the stimulus plan. The 1.8 million ARPA dollars in the budget are restricted by the Federal Government on how the funds can be used.

Todd Shier asked where he can find the Federal restrictions.

Finance Manager Jennifer Kerr stated on their website, treasury.gov.

6. Approval of the Agenda

Commissioner Corey Runte moved to approve the Agenda; Commissioner Sherri Quarrie seconded; Motion carried 5-0.

7. Consent Agenda

- A. Approval of Special Town Commission Meeting minutes for June 1, 2022
- B. Approval of Regular Town Commission Meeting minutes for May 18, 2022
- C. Approval of Regular Town Commission Meeting minutes for April 20, 2022
- D. Approval of the site plan for 309 Fifth Ave
- E. Approval of the site plan for 527 Sunset Blvd

Jude Wilson
526 Sunset Blvd

Jude Wilson stated that 527 Sunset is a tear-down property that was recently purchased. They are planning to build a pool and pave the front lawn in order to build a driveway. She stated they are at least four inches above her property, the road is lower, and the median is overflowing and her property is on the other side. At this time she asked if the Commission is about to approve a site plan which includes building a pool that will drain directly in front of her house.

Mayor Wyatt Hoover stated any site plan goes through a rigorous review in the building department. The Commission does not have the authority to prohibit any construction that is allowed per our Code. Any new construction is subject to the new stormwater requirements which is six inches in twenty four hours.

Commissioner Corey Runte stated not only does the Building Official review the fully engineered drawings, but they also go through the consulting engineers and planning and zoning for approval then it goes to the Commission.

Jude Wilson asked who is responsible for the water when it comes from the median.

Mayor Wyatt Hoover stated the drainage situation on Sunset is under review and is an ongoing project that is being worked on to improve it.

Vice Mayor Joyce Barton moved to approve the Consent Agenda; Commissioner Corey Runte seconded; Motion carried 5-0.

8. Old Business

- A. Discussion on Brevard County's Code of Ordinances allowing a second kitchen for single-family residences

Town Manager Elizabeth Mascaro stated the Commission asked her to look at the ordinances for the county regarding multigenerational kitchens. Provided the code

from Brevard County which allows for a second kitchen and the code for guest houses; the other document is from the Property Appraisers Office which allows families to get an additional tax benefit for having a grandparent suite. The kitchen seems to be the common denominator with other municipalities to be a single family.

Mayor Wyatt Hoover reviewed the background to this item. Planning and Zoning asked for a more detailed definition of kitchen. The purpose was to prevent having more than one living space on a single-family property, with the intent to prevent vacation rentals. Unfortunately the State legislature has prevented almost all chances of regulating vacation rentals in any capacity. After further discussion, the Commission felt prohibiting families from having a separate space for adult kids or grandparents was counterproductive since the original intent was related to vacation rentals which it now has no effect on. He stated the two parts from the property appraiser document that apply to Melbourne Beach would be they must have an existing homestead exemption, and the construction must be properly permitted.

Commissioner Sherri Quarrie asked if we should put in a different age group.

Mayor Wyatt Hoover stated he does not think the age is relevant. He then read the Brevard County's Ordinance. He recommended increasing the square footage requirement to 800 or 1000 square feet.

Commissioner Sherri Quarrie stated this section is referring to something under the same roof, so the setbacks and lot coverage would limit the size.

Mayor Wyatt Hoover stated that section two could be removed, as well as sections three through six that are related to vacation rentals, since the State legislature dictates regarding vacation rentals

Commissioner Corey Runte stated it is common in other municipalities to allow multigenerational suites. He provided an example regarding if a family member ended up needing full-time care and the family cannot afford an assisted living facility, currently in Melbourne Beach you would not be able to have an additional kitchen to allow the family member to have their own space.

Mayor Wyatt Hoover asked if any Commissioners were in opposition to a detached guesthouse.

Commissioner Sherri Quarrie stated she is against it because the purpose of this is to accommodate seniors or young families who are having a difficult time affording a house. Allowing a detached structure would open the door on detached structures being rented out.

Mayor Wyatt Hoover stated he doesn't think it would make a difference if it was attached or not because you can rent out the attached space out just as easily. The best way to prevent duplex like situations is requiring a single electric and water service.

Commissioner Corey Runte stated you can rent anything out including just a couch or air mattress. Also, if a detached structure wasn't allowed, the owner could just connect the structures with a canopy. He is fine with attached and detached as long as they maintain the homestead exemption and all of the code requirements for lots.

Mayor Wyatt Hoover stated this agenda item is discussion orientated, so this is just to begin the process of making any changes that would require a first and second reading to the ordinance changes.

Nancy Haney
181 Ocean Ridge Dr

Nancy Haney stated she is confused on attached and detached because couldn't you just say attached if you only attached the roof.

Mayor Wyatt Hoover stated that is correct.

Nancy Haney stated her property backs up to a community that is allowing daily rentals.

Commissioner Corey Runte stated that is not allowed in unincorporated Brevard County.

Mayor Wyatt Hoover asked that we stick to things that pertain the Town of Melbourne Beach.

Greg Wilson
526 Sunset Blvd

Greg Wilson stated he just wanted to make sure everyone received and got to look at the photos provided by Jude Wilson earlier in the meeting.

Chuck Cain
309 Surf Rd

Chuck Cain stated on the discussion regarding attached or detached, whether they are connected by a roof line or not, a detached building would have to meet certain requirements. What happens when the grandparents pass? Then they are just going to rent it out. However, if it was in the house they might be less likely to rent it out.

Mayor Wyatt Hoover stated the Town would define it as an accessory structure.

Carol Crispen
205 Elm Ave

Carol Crispen stated she is dealing with an AirBnB that is very loud. It sounds like we are opening ourselves up, and just because Brevard County is doing it, doesn't mean we should. We need to do what is best for Melbourne Beach.

Mayor Wyatt Hoover stated he has received her emails and has driven the streets, but unfortunately, the State has prevented us from being able to regulate AirBnBs at all. This is about keeping people in their homes rather than them selling it and people buy it only as a vacation rental.

Carol Crispen asked what is going to prevent someone from putting a wall in the middle and now they can rent out a duplex instead of a single family. This is going to open us up for other issues because people will find ways around it.

Commissioner Corey Runte stated short term rentals are allowed in the Town of Melbourne Beach. Whether we like it or not there is nothing we can do because of the State Legislature. The Town does have a registration process, however, there is nothing stopping someone from buying fifteen houses on the same street and turning all of them into vacation rentals. The goal is to help the elderly and families to be able to afford to stay together. AirBnBs are allowed no matter, so this would not enable it because you would have to live there.

Ali Dennington
413 Surf Rd

Ali Dennington stated why not change the code to allow for the second kitchen if you get a conditional use, but you also have to sign a development order that says you will not rent it. She stated development orders run with the land and get filed with the County, so even if they sell it, the development order stay in effect. It wouldn't effect the homes that currently have a second kitchen.

Jude Wilson
526 Sunset Blvd

Jude Wilson stated since this is about accommodating multigenerational families; would it be possible to incentivize those who are developing it the way the Commission wants it.

Mayor Wyatt Hoover stated there is a ton of good that could come from this; from aging parents that want to stay in place, to adult kids that cannot afford a house, to live-in caretakers, etc. There will always be people that find a way to take advantage of everything.

Kyle Stark
209 Surf Rd

Kyle Stark stated he lives with his grandparents and his father. Today he took care of his nephews while his sister is dealing with other things. He stated it is very important to remember that the country is changing. His family lives in a multigenerational home. If something harms one person even though they don't deserve it, you also have to think of the good it is doing by allowing families to live a dignified life.

Town Attorney Clifford Repperger stated the County allows for the second kitchen facility as a conditional use, and likely what you would see is a conditional use permit. Also, with the County, the guest house is for larger lots, so as this moves along that will need to be evaluated. As far as the vacation rentals, the County codes that restrict vacation rentals was passed before the preemption was in effect. The preemption has been in effect for quite some time 509.302 (7) preempts local government from prohibiting vacation rentals. You cannot limit the duration of the stay; unless it was in effect before the preemption. The Town does have a regulatory ordinance for vacation rentals.

Vice Mayor Joyce Barton made a motion to move forward with the language for the code of ordinances for multigenerational living areas attached and detached; Commissioner Marivi Walker seconded; Motion carried 5-0.

9. New Business

A. Discussion on a beachfront dog park

The Town received emails from the following residents regarding the discussion on a beachfront dog park:

Hans Rittinger
Diane White
Deborah Aftung
Jamie Guth
Caren Byrd
John & Marie Heck
Donna Bardell
Michael Workman
Donald Thomas
Matt Giammarino
John Mauzer
Vicky Busch

Town Manager Elizabeth Mascaro stated Loggerhead Park was developed through a grant, and no further development can be done to it.

Commissioner Sherri Quarrie stated the reason this was put on the agenda was to find out what the safety and grant limitations are, and to open up the discussion of a dog park. A lot of residents already bring their dogs to the parks or the beach.

Does the Town want to have a safe place for dogs to be able to run on a leash? This was to get input from residents. Are residents interested in a dog park, or allowing dogs in the parks or on the beach? She stated the reason she proposed Loggerhead Park was because it is at the end of the Town, and because of limited parking, it would be limited to residents.

Commissioner Corey Runte stated any Commissioner can put anything up for discussion, which is what this is, strictly just a discussion. A lot of residents have contacted Commissioners about having a safe place for dogs. That being said, he does not support development of the park.

Commissioner Marivi Walker stated she appreciates the idea, but questioned if the Town even has space to put a dog park.

Commissioner Corey Runte stated what about asking the County to put one in at Flutie Field.

Further discussion ensued

Town Manager Elizabeth Mascaro stated we can also contact Indialantic, who recently allowed dogs on the beach in a certain area at certain times.

NEW ACTION ITEM: Dog park research

***Barbara Strutman
802 Pine St***

Barbara Strutman stated although it has already been resolved about Loggerhead, but she would like to add her input. She is against the Loggerhead dog park because this is the last piece of oceanfront property in the Town of Melbourne Beach that is not already concrete. Would the dog park bring more traffic to Town? Would it increase annual taxes? Why does it have to be oceanfront property? Please consider these things.

***Ali Dennington
413 Surf Rd***

Ali Dennington stated she loves dogs, but she doesn't think a dog park is a good idea. When you say Dog Park, most people think of a fenced in area. What about having two poles on the beach and during certain times you can walk your dog on the beach between the poles? To help the residents, what about a time restriction of only from sunset to 9am? The stormwater drainage area by the tennis courts could be a good area to put something up once a week to allow dogs to run.

Curtis Byrd
306 Surf Rd

Curtis Byrd stated he, along with the Environment Advisory Board, assisted in the purchase of the land for Loggerhead Park. The two things the State wanted was to protect the native vegetation and education. There are quite a few events they plan, including education and planting throughout the year. In the application process of the grant, it was written that there would only be pedestrian and bicycles, with no parking areas.

Neal Tompkins
2004 Neptune Dr

Neal Tompkins stated he is glad Loggerhead was taken off the table. He also stated the speed limit there is forty miles per hour, so golf carts cannot be driven down that road. Exploring ideas is a good idea, but he suggests you take the beach off as well. No other municipalities have a dog beach park.

Christian Stumpt
1708 Atlantic

Christian Stumpt stated currently enforcement and taking care of the park is not being done. He stated golf carts are parking there, there is ongoing graffiti, and garbage in the park.

Mayor Wyatt Hoover stated the Town staff is very responsive to things like that, so please snap a picture and send it to townmanager@melbournebeachfl.org, and our public works team will handle it.

Patrick Hagerty
1702 Atlantic St

Patrick Hagerty stated in 2015, Indialantic and Cocoa were both trying to establish a beachfront dog park. They were ultimately shut down because the habitat is considered sea turtle nesting areas. In 2019, an eleven-mile stretch of beachfront south of Melbourne Beach did the same thing. The Brevard County Attorney's Office wanted the County Commissioners to be aware of the potential liability under the Federal Endangered Species Act if they allowed dogs on the beaches in the Archie Carr National Wildlife Refuge. The Act protects threatened and endangered plants and animals, as well as the habitats in which they are found, including sea turtles and sea turtle nesting areas. Lastly, people are already bringing their dogs on the beach against the rules. The Commission should take into effect that people always push boundaries. Opening up to allow dogs on the beach will just allow people to take advantage of it.

Jude Wilson
526 Sunset Blvd

Jude Wilson stated when she first moved here it was wonderful to be able to take her dog to the beach in the early morning when no one was around. There are also more than a dozen people here that she has seen with a dog on the beach. The Commission should consider allowing dogs on the beach in the early morning hours when tourists are not there and people are not sun bathing. She stated she grew up in a different small town which allowed dogs on the beach during certain times and the dogs had to get a special tag. People outside of the Town would not be able to get the tag, so everyone that had the tag was a resident and was responsible. Is there any land that the Town could acquire to have a dog park?

Margie Hoffman
The Breakers

Margie Hoffman stated laws are there to protect everyone and to be followed. In Melbourne Beach dogs are not allowed on the beach, but many times she can see dogs on the beach from her patio. She is concerned when dogs are off leash and barrel down the beach at kids.

Mike McGraw
2005 Atlantic St

Mike McGraw asked what are the rules and regulations regarding dogs on the beach. Dogs are already on the beach. If allowed, people would push the rules. He just wants to protect what we have out there.

Mayor Wyatt Hoover stated no dogs are allowed on the beach at all.

Doug W
1712 Atlantic St

Doug W stated Loggerhead is not a park, it is a preserve. He has surfed all over the place and Loggerhead is a jewel. He went down there today and counted nine turtle nests. That area needs to be left alone.

Commissioner Corey Runte stated if anyone sees a light violation, to take a picture and write the address and send it to our Code Enforcement.

Building Official Robert Bitgood stated if anyone replaces windows on the beach, or if anything is built, that is enforced as well.

- B. Consideration of the updated Interlocal Agreement with Indialantic for fire-rescue dispatch services

Town Manager Elizabeth Mascaro stated this is the seventh update to the agreement with Indialantic, and the fee has increased by \$200.00 making the total \$5,400.00.

Commissioner Corey Runte moved to approve the Interlocal agreement with Indialantic as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Discussion on revisions to the landscape and tree ordinance

Building Official Robert Bitgood stated this is something that has been in the works for the past six month. This is just to open up a dialogue and get any input. He met with the Fire Department to make sure there wouldn't be any issues with allowing taller shrubs in front yards. One idea to define the houses directly on A1A would be to use the words along the state road. The governor is about to pass new legislation, so to match it, consider adding to our ordinance "must meet the standards set in tree risk assessment, second edition (2017)."

Commissioner Corey Runte asked what the repercussion is if someone removes a tree that would not normally be allowed without a permit.

Building Official Robert Bitgood stated he would red tag it meaning he would issue a stop work order. They then have thirty days to go through the process of getting a tree permit. Under the new fee schedule, he has the ability to assess up to four times the cost of the permit for doing work without a permit, however, because the tree permit does not cost anything that would need to be reviewed.

Commissioner Corey Runte would like to see the repercussions increased to include a fine for illegal tree removal, and have those fees go towards replacement trees.

Commissioner Sherrie Quarrie asked if some of the money could go towards education, because some of the homeowners truly do not know what they can or cannot cut, and what requires a permit.

Commissioner Corey Runte stated coming up with something simple like call before you cut to put on social media and the Town website that goes to the permit application.

Building Official Robert Bitgood stated 9A-4 (a) change four copies to two copies which is sufficient. Add "trees that are removed for new construction shall be replaced by same or similar species. For mature oaks two similar species will be required. Twelve inches in height above grade." The section 9A-10 change the authorization from Public Works Department to the Building Official or Town Manager. 9A-5 (b) just to stress the requirement of the field check of the site. 9A-6 (b2) twelve feet in height and 4.5 feet above grade to make sure they have a good healthy tree. 9A-7 (a) Remove "minimum of three trees" and defer to other more

specific areas of the code. 9A-7(5a) add the words “above grade” after eight feet in height to be more specific.

Mayor Wyatt Hoover asked if section 7A-53 (2c) need to be amended to a maximum of six feet for homes along state road A1A.

Building Official Robert Bitgood stated that is correct and also section e. Other municipalities have also required full front four-foot vegetation be planted in front of the wall or fence.

Commissioner Sherrie Quarrie asked if the setback requirement would be to the vegetation or to the wall.

Building Official Robert Bitgood stated it would be to the wall because the vegetation is removable, but they would still need to adhere to the twenty-five-foot triangle.

Mayor Wyatt Hoover stated he doesn't think the hedges should be restricted to State road A1A. He would be in favor of striking the maximum four foot hedge in the front yard.

Commissioner Corey Runte and Marivi Walker agreed.

Building Official Robert Bitgood stated this is the only jurisdiction that does not have a setback for a shed to keep them off of the property line. 7A-57 add “shed roof line cannot place water on the neighbor's property”.

Crystal Cain
309 Surf Rd

Crystal Cain stated that if someone bought a property, is there a picture to know what trees are present at that time? Is there a way to know that or have it on a site plan?

Building Official Robert Bitgood stated currently no there is no picture or anything showing current trees.

Commissioner Corey Runte stated when site plans are submitted vegetation is included. As part of the site plan, the caliper and type of tree are required.

Building Official Robert Bitgood stated for new construction a tree permit is not issued until he has walked the property with them, and as part of the site plan, he requires an architectural drawing showing what is there and what is being removed before they can do anything. At the time of the onsite walk he takes pictures.

Ali Dennington
413 Surf Rd

Ali Dennington asked where on the agenda does it say that shed setbacks would be discussed at this meeting.

Building Official Robert Bitgood stated the setbacks are not being talked about, just the water that is being displaced.

Mayor Wyatt Hoover clarified nothing about setbacks would be changed, just the proposed verbiage of “shed roof line cannot place water on a neighbor’s property.”

Nancy Haney
181 Ocean Ridge Dr

Nancy Haney asked about the 1.8 million in ARPA funds. Are there any proposals, and who decides it, and do residents get any input?

Mayor Wyatt Hoover stated the majority of the funds will be used for storm water upgrades and improvements. The requirements are established at a federal level, but the Commission locally decides on how to use the funds. Every time a decision such as an ordinance change is made, it has been discussed in at least three or four meetings, which can take around six months.

Nancy Haney asked if the stormwater issue has already been determined to be the most appropriate and important way to use the money.

Mayor Wyatt Hoover stated that the money is already in the works for several projects, so yes.

Town Manager Elizabeth Mascaro stated for the record the amount is 1.6 million not 1.8 million.

Commissioner Corey Runte made a motion to move forward with the landscape and tree ordinance revisions as presented and discussed; Commissioner Marivi Walker seconded; Motion carried 5-0.

D. Consideration to close Town Hall at noon on Friday, July 1st.

Town Manager Elizabeth Mascaro stated this would be a nice time for team building with a pot luck lunch and get to learn things about each other.

Vice Mayor Joyce Barton made a motion to approve the team building event on July 1st in the afternoon; Commissioner Marivi Walker seconded; Motion carried 5-0.

E. Consideration of a Tourism Lagoon Project Grant

Town Manager Elizabeth Mascaro stated she received a call regarding the Tourism Lagoon Project Grant for up to \$50,000.00 without the requirement for matching funds. They mentioned painting storm drains. She stated we could do a mural guide to get people to find and take pictures with around the Town. It has to be to promote tourism, and the drop dead date for submission is June 22nd.

Mayor Wyatt Hoover stated he would love to see the walls that enclose the beach accesses, boat ramp, Ryckman Park painted with different ecosystems.

Commissioner Corey Runte stated businesses might be interested as well.

Nancy Haney
181 Ocean Ridge Dr

Nancy Haney asked if it is possible to get an extension of the June 22nd due date.

Town Manager Elizabeth Mascaro stated they do not generally allow that.

Nancy Haney stated she has access to a lot of very good artists in town and would be willing to help.

Ali Dennington
413 Surf Rd

Ali Dennington stated she has seen a guy that paints surfboards online, so maybe get some longboards to paint and put them around town.

Neal Tompkins
2004 Neptune

Neal Tompkins stated that all of the ideas are great, but maybe not the storm drains, as that is where all of the stormwater goes to the lagoon. He stated as part of the S.E.A project it was mentioned painting crosswalks, which became a tourist attraction.

Kyle Stark
209 Surf Rd

Kyle Stark stated that what is being talked about would be a great opportunity for kids to not only enjoy the beauty of the decorations, but to also have some sort of educational aspect to it. He suggested coming up with a mission statement of what the art means to the Town.

Commissioner Corey Runte made a motion to approve proceeding with the tourist lagoon grant; Vice Mayor Joyce Barton seconded; Motion carried 5-0.

F. Consideration and approval of Ordinance 2022-01 on low-speed vehicles

Town Attorney Clifford Repperger stated this is the first reading of ordinance 2022-01 an ordinance of the Town of Melbourne Beach, Brevard County, Florida relating to the traffic code of the town; making findings; creating sections 30-100 through 30-109, Town Code of ordinances, authorizing the operation of low speed vehicles within the town; providing legislative intent and definition; providing for authorized use and operation of low speed vehicles; providing for permits, applications, decals, inspection, and permit revocation; setting forth required equipment; providing for waiver of claims; setting forth unlawful conduct and prohibitions; providing parking regulations; creating provisions for enforcement; providing for reciprocity with the Town of Indialantic; providing for severability; providing for repeal of conflicting ordinances and resolutions; providing an effective date; and providing an adoption schedule.

Town Attorney Clifford Repperger stated this is the low speed vehicle ordinance. It is substantially similar to what Indialantic has with a few tweaks. It is placed into the Town's Traffic Code to allow for low speed vehicles via decal in the Town of Melbourne Beach. Again these are specifically defined low speed vehicles, they are not golf carts by definition, with the required equipment and with the required driver's license. Operation within the Town and providing with reciprocity for those who have decals in Indialantic can operate within the jurisdictional boundaries of the Town of Melbourne Beach. There is no need for an Interlocal agreement with Indialantic since reciprocity is written into the ordinance.

Police Chief Melanie Griswold stated she spoke with Indialantic's Town Manager and Chief of Police, and they are going to make some amendments to their ordinance.

Vice Mayor Joyce Barton moved to approve and pass Ordinance 2022-01 on the first reading for low speed vehicle ordinance; Commissioner Marivi Walker seconded; Motion carried 5-0.

10. Staff Reports

A. Town Attorney Report

No Report

B. Town Manager Report

Town Manager Elizabeth Mascaro stated she was contacted by the EAB who would like to set up an educational demonstration on rain barrels, to encourage residents to use them. She wanted to make sure the Commission is okay with it and if they wanted them painted or designed.

Vice Mayor Joyce Barton stated it would be nice to show them decorated, or blended in to the surrounding area. It would be a great learning experience.

Mayor Wyatt Hoover stated a great place to put one is the South West corner where the bathrooms are in the park here.

Crystal Cain
309 Surf Rd

Crystal Cain stated you want to place it where you can use the water from it as well. She relayed that Leslie with the EAB is heading this up.

C. Town Clerk Report

No Report

D. Departmental Reports

1. Building Department

No additions to the report

2. Public Works Department

Public Works Director Tom Davis stated for the most part Sunset is finished. He will assess the changes to see if they are effective or not. He prefers the style of light that is in the ground. He also recently purchased a water tote to be able to water the plants and trees around town.

3. Code Enforcement

No additions to the report

4. Police Department

Police Chief Melanie Griswold stated she would like to give kudos to Corporal Martin and Administrative Assistant Megan for the recent movies in the park event, which had to end up being in the community center. Also, thank you to Amber for helping out the Police Department on Founder's Day. Sergeant Sadler, Officer Tejada, Chaplain Finlayson, and Megan helped out with Melbourne Square Mall's Hometown Heroes event.

5. Fire Department

Fire Chief Gavin Brown stated when he sent in his monthly report he sent in the abbreviated version, so there is one page missing. The highlights from the missing pages included the Fire Department assisting with Founder's Day where there were no incidents, not even for bandaids. The Fire Department's

CPR instructors taught BLS courses to certify all of the Melbourne Beach and Indian River Police Officers in CPR. The instructors also took a high performance CPR course through Brevard County Fire Rescue to help improve patient outcomes. The Department also went to Indian Harbour Beach last month to discuss the shared training center which is slowly progressing. Currently the Department has twenty four state certified firefighters and on average, approx. eleven volunteers show up to each call for service, ten of which are State certified firefighters / volunteer firefighters.

6. Finance Department

Vice Mayor Joyce Barton moved to approve the Finance Report as presented; Commissioner Corey Runte seconded; Motion carried 5-0.

11. Town Commission Comments

A. Review of Commission Action Item List

New

- **Dog Park Research**

Updated

- **Permanent Tree Lighting:** PW installed two types of lights to evaluate. – Report will be given next month.
- **Community Center Audio:** Received quotes from companies: one quote was for \$16,000-\$19,000, a second quote was for just under \$27,000, a third quote was for just over \$8,500. The other option would be for us to purchase the items and install them ourselves which could cost around \$5,000. – Next month bring 3 breakdowns of the potential products
- **S.E.A. Project:** Town Manager spoke with Neal and now has two proposed dates in August. – Next month she will have the final date
- **Multi-generational Suites:** Add to old business for next month for proposed language, then it will go to planning and zoning, then back to the Commission. - August
- **Charging Stations:** Town Manager spoke with James Moore (he is NOT associated with the auditors) who has a company that installs charging stations he recommended putting a charging station in a pay-to-park spot. Vice Mayor Joyce Barton stated one of his charging stations was just installed at Grace Lutheran. – August

Closed

- **Drown Zero Stations:** Provided related documents from Cocoa Beach when they approved the drown zero stations - Closed
- **Low-Speed Vehicle:** First reading of the ordinance today – Closed

B. General Comments

None

12. Adjournment

Commissioner Corey Runte moved to adjourn; Commissioner Marivi Walker seconded; Motion carried 5-0.

Meeting adjourned at 9:38 p.m.

ATTEST:



Wyatt Hoover, Mayor



Amber Brown, Interim Town Clerk



From: [Corey OGorman](#)
To: [Cliff Repperger](#); [Building Official \(buildingofficial@melbournebeachfl.org\)](#); [Melbourne Beach Town Manager](#)
Subject: RE: Draft Ordinances for Landscaping and Second Kitchens
Date: Thursday, February 2, 2023 7:12:59 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Cliff,

Thanks for copying me, I had a chance to take a look at the draft ordinance for 2nd kitchens and my initial thoughts and comments are:

- I currently see a lot of outdoor kitchens in covered patio areas that is more of an outdoor BBQ area. If there are a lot of these in Melbourne Beach, you may want to make a distinction between an outdoor BBQ area and an indoor 2nd kitchen. Perhaps this could be addressed in the intent section where a 2nd kitchen is proposed to enable an accessory living area within the home to be occupied by an extended family member ... or something like that.
- Many of the codes I have read with this ability talk about this situation in terms of an “accessory dwelling unit” rather than a 2nd kitchen. And although I think the 2nd kitchen approach is fine, it might make sense to consider discussing the intent to allow an accessory dwelling with its own cooking facilities. In the MB Code, an Accessory Use is one that is clearly incidental and subordinate to the principal use, and that may be a way of limiting square footage, etc.
- Other codes that I have read also include language that the accessory unit is not considered a dwelling unit for density purposes under the comp plan or a second unit under the zoning code, neither of which would be approved.
- In a committee that I participate on in PB County has also reviewed this issue and found that some provisions in the PBC Code are not enforceable. For instance, the county has the same provision for electric meters and the restriction on not renting, but there is always the ability for a property owner to install a sub-meter. Also, where paragraph 1 says that direct access to the kitchen is from the living area or quarters of the SF residence, the language does not prohibit an exterior access.

Regarding the trees, my initial thoughts are:

- Section 9A-4 references a “Best Practices” document, and I have often seen where the document is kept on file with the town clerk and can be provided to applicants if needed.
- I don’t recall seeing in the existing or proposed code language anything regarding protected species of trees which I normally see. I see an exemption for exotic species, but there are often codes which specify what are the most desirable tree species for preservation and planting. I also see that there is reference to native vegetation and Florida Friendly, although it might be helpful to define the species that are desirable in MB, or at a minimum keep those documents/references with the clerk for distribution to applicants if needed. Also, I usually see that permits are typically not required for trees under a certain caliper or overall size. For

instance if there is a sapling that is less important than a 100 year old oak that has a 36" DBH.

Just food for thought, I hope it helps! THANKS!

Corey W. O'Gorman AICP

Place Planning

700 US Highway One, Suite C

North Palm Beach, FL 33408

561-863-2722 Phone

561-863-2733 fax

561-801-2461 cell

Planning and Zoning Board/LPA Agenda Item

Section: Public Hearing

Meeting Date: February 7, 2023

Subject: Proposed Ordinance 2023-02 (Second Kitchens)

Submitted By: Town Attorney Repperger

Background Information:

On June 15, 2022, the Town Commission directed that Town Staff develop an Ordinance improving regulation regarding second kitchens within single family residences (1-RS, 2-RS, and 3-RS).

Summary of Proposed Ordinance Amendments:

- Amends Section 1A-3 to add a definition for “Kitchen” or “Kitchen Facility” which excludes outdoor barbeque areas without a range or stove.
- Amends Section 7A-31 to cite to appropriate supplementary regulations.
- Amends Section 7A-32 to cite to appropriate supplementary regulations.
- Amends Section 7A-33 to cite to appropriate supplementary regulations.
- Creates Section 7A-72 to allow for second kitchens in 1-RS, 2-RS, and 3-RS zoning districts with permitting and regulatory conditions.

Attachments:

- Draft Ordinance 2023-02.
- Minutes from Town Commission Meeting of June 15, 2022
- Email from Town Planner Corey O’Gorman regarding additional considerations.

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, AMENDING; APPENDIX “A” OF THE TOWN CODE OF ORDINANCES OF MELBOURNE BEACH, THE LAND DEVELOPMENT CODE; AMENDING SECTION 1A-3 TO ADD THE DEFINITION FOR KITCHEN OR KITCHEN FACILITY; AMENDING CHAPTER 7A REGARDING SECOND KITCHENS; SPECIFICALLY AMENDING SECTION 7A-31, SECTION 7A-32, AND SECTION 7A-33 TO PERMIT SECOND KITCHENS IN 1-RS, 2-RS, AND 3-RS ZONING DISTRICTS; CREATING SECTION 7A-72 TO PROVIDE SUPPLEMENTARY DISTRICT REGULATIONS FOR SECOND KITCHENS IN SINGLE FAMILY RESIDENTIAL DISTRICTS; 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.

WHEREAS, the Town of Melbourne Beach desires to amend the Land Development Code of the Town of Melbourne Beach regarding second kitchens in residential zoning districts in the Town of Melbourne Beach within the Town of Melbourne Beach; and

WHEREAS, the Town Commission of the Town of Melbourne Beach, after duly noticed public hearings, has determined that amendments to Sections 7A-31, Section 7A-32, and Section 7A-33 of the Land Development Code to permit second kitchens in 1-RS, 2-RS, and 3-RS zoning districts and creation of standards for second kitchens in a new Section 7A-72 of the Land Development Code are consistent with the Comprehensive Plan, are in the best interests of its citizens of the Town of Melbourne Beach, and promote the general health, safety, and welfare of the residents of the Town of Melbourne Beach; and

WHEREAS, on February 7, 2023 the Planning and Zoning Board/Local Planning Agency (collectively the “LPA”) at a duly noticed public hearing, reviewed and considered the proposed amendments to Sections 7A-31, Section 7A-32, and Section 7A-33 of the Land Development Code to permit second kitchens in 1-RS, 2-RS, and 3-RS zoning districts and the creation of standards for second kitchens in a new Section 7A-72 of the Land Development Code and took public comment regarding the same; and

WHEREAS, the LPA has determined that the proposed amendments to Sections 7A-31, Section 7A-32, and Section 7A-33 of the Land Development Code to permit second kitchens in 1-RS, 2-RS, and 3-RS zoning districts and the creation of standards for second kitchens in a new Section 7A-72 of the Land Development Code are consistent with the Town’s Comprehensive

Plan and are in the best interest of the Town of Melbourne and has recommended that the Town Commission approve of the same.

WHEREAS, the Town Commission and LPA have determined that an amendment to Section 1A-3 of the Land Development Code to add the definition of the terms “kitchen” or “kitchen facility” is necessary to allow for the desired regulatory changes and that such definition shall specifically exclude outdoor barbeque areas without a stove or range.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF MELBOURNE BEACH, FLORIDA:

SECTION 1. That Article I, Chapter 1A, Section 1A-3, of Appendix “A,” of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby created to read as follows:

§1A-3. DEFINITIONS.

* * *

KITCHEN OR KITCHEN FACILITY. A room or area within a room whose primary purpose is to store, prepare and cook food. A kitchen will have a refrigerator to store food, counter space and a sink to prepare food, and a stove and/or range to cook food. An outdoor or external barbeque area with no stove or range shall not constitute a kitchen or kitchen facility.

* * *

SECTION 2. That Section 7A-31 of Appendix “A,” of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby amended to read as follows:

§7A-31. 1-RS SINGLE FAMILY RESIDENTIAL DISTRICT.

* * *

(g) Supplementary regulations: As provided in §§ 7A-50 through 7A-6972, and Chapter 9A.

SECTION 3. That Section 7A-32 of Appendix “A,” of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby amended to read as follows:

§7A-32. 2-RS SINGLE FAMILY RESIDENTIAL DISTRICT.

* * *

(g) Supplementary regulations: As provided in §§ 7A-50 through 7A-6972, and Chapter 9A.

SECTION 4. That Section 7A-33 of Appendix “A,” of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby amended to read as follows:

§7A-33. 3-RS SINGLE FAMILY RESIDENTIAL DISTRICT.

* * *

(g) Supplementary regulations: As provided in §§ 7A-50 through 7A-6972, and Chapter 9A.

SECTION 5. That Article IV, Chapter 7A, Section 7A-72, of Appendix “A,” of the Town Code of the Town of Melbourne Beach, Florida, Land Development Code, is hereby created to read as follows:

§7A-72. SINGLE-FAMILY RESIDENTIAL SECOND KITCHEN FACILITY.

A second kitchen facility may be incorporated into a single-family residence located in the 1-RS, 2-RS, and 3-RS zoning districts, provided the second kitchen facility meets the following conditions:

(1) The second kitchen facility and the area or quarters it serves shall be integrated architecturally, both internally and externally, with the single-family residence. Externally, the structure shall have the appearance of one residence. Internally, there shall be direct access to the kitchen facility and its area from the living area or quarters of the single-family residence. Access to the second kitchen shall not be solely via exterior access.

(2) A permit for construction must be obtained, and a floor plan of the entire single-family residence, including the additional kitchen facility, demonstrating compliance with the conditions set forth in this section, shall be submitted to the Building Official for plan review and approval prior to construction of any second kitchen. The approved floor plan shall be binding upon all future construction plans in regard to the single-family residence and the second kitchen facility.

(3) No portion of the single-family dwelling unit shall be utilized for rental purposes, and the single-family dwelling unit shall be served by only one electrical and water meter.

(4) The single-family dwelling unit shall continue to be utilized by no more than one family.

(5) The property upon which the second kitchen is planned to be installed must have a valid Brevard County property tax homestead exemption at the time of permit application. A second kitchen facility must be removed within one year of the loss or removal of the homestead exemption maintained on the property.

SECTION 6. Severability/Interpretation Clause.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words ~~stricken through~~ are deletions from existing text.

(3) Asterisks (* * *) indicates a deletion from the Ordinance of text existing in the Code of Ordinances. It is intended that the text in the Code of Ordinance denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 7. Codification. The provisions of this Ordinance shall be codified as, and become and be made a part of, the Town of Melbourne Beach Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 8. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 9. Effective Date. This Ordinance shall become effective upon adoption.

SECTION 10. Adoption Schedule.

PASSED by the Town Commission of the Town of Melbourne Beach on first reading on the 16th day of February, 2023, and ADOPTED by the Town Commission of the Town of

Melbourne Beach, Florida, on final reading on the 16th day of March, 2023.

TOWN OF MELBOURNE BEACH, FLORIDA

By: _____
WYATT HOOVER, Mayor

ATTEST:

(TOWN SEAL)

Amber Brown,
Town Clerk

Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
JUNE 15, 2022 at 6:00 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Wyatt Hoover
Vice Mayor Joyce Barton
Commissioner Sherri Quarrie
Commissioner Corey Runte
Commissioner Marivi Walker

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Cliff Repperger
Finance Manager Jennifer Kerr
Building Official Robert Bitgood
Fire Chief Gavin Brown
Police Chief Melanie Griswold
Public Works Director Tom Davis
Interim Town Clerk Amber Brown

1. Call to Order

Mayor Wyatt Hoover called the meeting to order at 6 p.m.

2. Roll Call

Interim Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Wyatt Hoover
 Vice Mayor Joyce Barton
 Commissioner Sherri Quarrie
 Commissioner Corey Runte
 Commissioner Marivi Walker

Staff Members Present

Town Manager Elizabeth Mascaro
 Town Attorney Clifford Repperger
 Finance Manager Jennifer Kerr
 Building Official Robert Bitgood
 Fire Chief Gavin Brown
 Police Chief Melanie Griswold
 Public Works Director Tom Davis
 Interim Town Clerk Amber Brown

Commission Members Absent

None

3. Pledge of Allegiance and Moment of Silence

Mayor Wyatt Hoover led the Pledge of Allegiance

4. Presentation

A. Police Chief Melanie Griswold presented Officer Leon Bennett with the Meritorious Service Award.

5. Public Comments

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

Mike Slaughter
321 Ocean Ave

Mike Slaughter stated he is here representing the Melbourne Beach Rotary Club to provide a donation of money to the Fire Department. The Fire Department is in need of the Scott RIT pack fast attack system which is used to help save firefighters in a burning building. The funds were raised on Founder's Day.

Ali Dennington
413 Surf Rd

Ali Dennington stated Amber is doing a great job on the minutes. She asked if there is anything the Commission can do for the parents who want to volunteer at the school because they have to drive to Viera to take a computer-based test. Ali asked about getting Town emails for interns to make sure nothing is lost.

Mayor Wyatt Hoover stated the School Board is in Viera which is probably why they do it there, but we can look into it.

Jude Wilson
526 Sunset

Jude Wilson stated she brought pictures of the median on Sunset. She stated these pictures are from a couple different days when it rained. She asked for public works to continue cutting the curb to allow the rain to drain. She stated she had engineers go to her house and they stated the street was built higher than her lot. Jude asked the Commission to look into this more as this is an infrastructure problem.

Sheila Tyre
532 Sunset

Sheila Tyre stated she also has concerns about Sunset Blvd possibly because of flooding. She thought years ago there was a baffle system to help drain water down towards the river. She asked if there is a baffle system there and if it is working. Sheila stated she is fine without the curb, but now it looks funny with only sections of the curb cut out. What about taking out the whole curb. She stated water control is more important than esthetics

Mayor Wyatt Hoover stated this is an ongoing project where steps are being taken and they assess the results before proceeding. He stated they will continue to look into it.

Town Manager Elizabeth Mascaro stated there was a baffle system installed, but she does not know what its current status is.

Todd Shier
1708 Atlantic St

Todd Shier asked what the definition of recovery funds that were mentioned and if we have any in the budget and what amount.

Mayor Wyatt Hoover stated that the funds mentioned are the ARPA funds which is the American Recovery Plan Act. ARPA funds were provided to the municipalities from the Federal Government based on the stimulus plan. The 1.8 million ARPA dollars in the budget are restricted by the Federal Government on how the funds can be used.

Todd Shier asked where he can find the Federal restrictions.

Finance Manager Jennifer Kerr stated on their website, treasury.gov.

6. Approval of the Agenda

Commissioner Corey Runte moved to approve the Agenda; Commissioner Sherri Quarrie seconded; Motion carried 5-0.

7. Consent Agenda

- A. Approval of Special Town Commission Meeting minutes for June 1, 2022
- B. Approval of Regular Town Commission Meeting minutes for May 18, 2022
- C. Approval of Regular Town Commission Meeting minutes for April 20, 2022
- D. Approval of the site plan for 309 Fifth Ave
- E. Approval of the site plan for 527 Sunset Blvd

Jude Wilson
526 Sunset Blvd

Jude Wilson stated that 527 Sunset is a tear-down property that was recently purchased. They are planning to build a pool and pave the front lawn in order to build a driveway. She stated they are at least four inches above her property, the road is lower, and the median is overflowing and her property is on the other side. At this time she asked if the Commission is about to approve a site plan which includes building a pool that will drain directly in front of her house.

Mayor Wyatt Hoover stated any site plan goes through a rigorous review in the building department. The Commission does not have the authority to prohibit any construction that is allowed per our Code. Any new construction is subject to the new stormwater requirements which is six inches in twenty four hours.

Commissioner Corey Runte stated not only does the Building Official review the fully engineered drawings, but they also go through the consulting engineers and planning and zoning for approval then it goes to the Commission.

Jude Wilson asked who is responsible for the water when it comes from the median.

Mayor Wyatt Hoover stated the drainage situation on Sunset is under review and is an ongoing project that is being worked on to improve it.

Vice Mayor Joyce Barton moved to approve the Consent Agenda; Commissioner Corey Runte seconded; Motion carried 5-0.

8. Old Business

- A. Discussion on Brevard County's Code of Ordinances allowing a second kitchen for single-family residences

Town Manager Elizabeth Mascaro stated the Commission asked her to look at the ordinances for the county regarding multigenerational kitchens. Provided the code

from Brevard County which allows for a second kitchen and the code for guest houses; the other document is from the Property Appraisers Office which allows families to get an additional tax benefit for having a grandparent suite. The kitchen seems to be the common denominator with other municipalities to be a single family.

Mayor Wyatt Hoover reviewed the background to this item. Planning and Zoning asked for a more detailed definition of kitchen. The purpose was to prevent having more than one living space on a single-family property, with the intent to prevent vacation rentals. Unfortunately the State legislature has prevented almost all chances of regulating vacation rentals in any capacity. After further discussion, the Commission felt prohibiting families from having a separate space for adult kids or grandparents was counterproductive since the original intent was related to vacation rentals which it now has no effect on. He stated the two parts from the property appraiser document that apply to Melbourne Beach would be they must have an existing homestead exemption, and the construction must be properly permitted.

Commissioner Sherri Quarrie asked if we should put in a different age group.

Mayor Wyatt Hoover stated he does not think the age is relevant. He then read the Brevard County's Ordinance. He recommended increasing the square footage requirement to 800 or 1000 square feet.

Commissioner Sherri Quarrie stated this section is referring to something under the same roof, so the setbacks and lot coverage would limit the size.

Mayor Wyatt Hoover stated that section two could be removed, as well as sections three through six that are related to vacation rentals, since the State legislature dictates regarding vacation rentals

Commissioner Corey Runte stated it is common in other municipalities to allow multigenerational suites. He provided an example regarding if a family member ended up needing full-time care and the family cannot afford an assisted living facility, currently in Melbourne Beach you would not be able to have an additional kitchen to allow the family member to have their own space.

Mayor Wyatt Hoover asked if any Commissioners were in opposition to a detached guesthouse.

Commissioner Sherri Quarrie stated she is against it because the purpose of this is to accommodate seniors or young families who are having a difficult time affording a house. Allowing a detached structure would open the door on detached structures being rented out.

Mayor Wyatt Hoover stated he doesn't think it would make a difference if it was attached or not because you can rent out the attached space out just as easily. The best way to prevent duplex like situations is requiring a single electric and water service.

Commissioner Corey Runte stated you can rent anything out including just a couch or air mattress. Also, if a detached structure wasn't allowed, the owner could just connect the structures with a canopy. He is fine with attached and detached as long as they maintain the homestead exemption and all of the code requirements for lots.

Mayor Wyatt Hoover stated this agenda item is discussion orientated, so this is just to begin the process of making any changes that would require a first and second reading to the ordinance changes.

Nancy Haney
181 Ocean Ridge Dr

Nancy Haney stated she is confused on attached and detached because couldn't you just say attached if you only attached the roof.

Mayor Wyatt Hoover stated that is correct.

Nancy Haney stated her property backs up to a community that is allowing daily rentals.

Commissioner Corey Runte stated that is not allowed in unincorporated Brevard County.

Mayor Wyatt Hoover asked that we stick to things that pertain the Town of Melbourne Beach.

Greg Wilson
526 Sunset Blvd

Greg Wilson stated he just wanted to make sure everyone received and got to look at the photos provided by Jude Wilson earlier in the meeting.

Chuck Cain
309 Surf Rd

Chuck Cain stated on the discussion regarding attached or detached, whether they are connected by a roof line or not, a detached building would have to meet certain requirements. What happens when the grandparents pass? Then they are just going to rent it out. However, if it was in the house they might be less likely to rent it out.

Mayor Wyatt Hoover stated the Town would define it as an accessory structure.

Carol Crispen
205 Elm Ave

Carol Crispen stated she is dealing with an AirBnB that is very loud. It sounds like we are opening ourselves up, and just because Brevard County is doing it, doesn't mean we should. We need to do what is best for Melbourne Beach.

Mayor Wyatt Hoover stated he has received her emails and has driven the streets, but unfortunately, the State has prevented us from being able to regulate AirBnBs at all. This is about keeping people in their homes rather than them selling it and people buy it only as a vacation rental.

Carol Crispen asked what is going to prevent someone from putting a wall in the middle and now they can rent out a duplex instead of a single family. This is going to open us up for other issues because people will find ways around it.

Commissioner Corey Runte stated short term rentals are allowed in the Town of Melbourne Beach. Whether we like it or not there is nothing we can do because of the State Legislature. The Town does have a registration process, however, there is nothing stopping someone from buying fifteen houses on the same street and turning all of them into vacation rentals. The goal is to help the elderly and families to be able to afford to stay together. AirBnBs are allowed no matter, so this would not enable it because you would have to live there.

Ali Dennington
413 Surf Rd

Ali Dennington stated why not change the code to allow for the second kitchen if you get a conditional use, but you also have to sign a development order that says you will not rent it. She stated development orders run with the land and get filed with the County, so even if they sell it, the development order stay in effect. It wouldn't effect the homes that currently have a second kitchen.

Jude Wilson
526 Sunset Blvd

Jude Wilson stated since this is about accommodating multigenerational families; would it be possible to incentivize those who are developing it the way the Commission wants it.

Mayor Wyatt Hoover stated there is a ton of good that could come from this; from aging parents that want to stay in place, to adult kids that cannot afford a house, to live-in caretakers, etc. There will always be people that find a way to take advantage of everything.

***Kyle Stark
209 Surf Rd***

Kyle Stark stated he lives with his grandparents and his father. Today he took care of his nephews while his sister is dealing with other things. He stated it is very important to remember that the country is changing. His family lives in a multigenerational home. If something harms one person even though they don't deserve it, you also have to think of the good it is doing by allowing families to live a dignified life.

Town Attorney Clifford Repperger stated the County allows for the second kitchen facility as a conditional use, and likely what you would see is a conditional use permit. Also, with the County, the guest house is for larger lots, so as this moves along that will need to be evaluated. As far as the vacation rentals, the County codes that restrict vacation rentals was passed before the preemption was in effect. The preemption has been in effect for quite some time 509.302 (7) preempts local government from prohibiting vacation rentals. You cannot limit the duration of the stay; unless it was in effect before the preemption. The Town does have a regulatory ordinance for vacation rentals.

Vice Mayor Joyce Barton made a motion to move forward with the language for the code of ordinances for multigenerational living areas attached and detached; Commissioner Marivi Walker seconded; Motion carried 5-0.

9. New Business

A. Discussion on a beachfront dog park

The Town received emails from the following residents regarding the discussion on a beachfront dog park:

***Hans Rittinger
Diane White
Deborah Aftung
Jamie Guth
Caren Byrd
John & Marie Heck
Donna Bardell
Michael Workman
Donald Thomas
Matt Giammarino
John Mauzer
Vicky Busch***

Town Manager Elizabeth Mascaro stated Loggerhead Park was developed through a grant, and no further development can be done to it.

Commissioner Sherri Quarrie stated the reason this was put on the agenda was to find out what the safety and grant limitations are, and to open up the discussion of a dog park. A lot of residents already bring their dogs to the parks or the beach.

Does the Town want to have a safe place for dogs to be able to run on a leash? This was to get input from residents. Are residents interested in a dog park, or allowing dogs in the parks or on the beach? She stated the reason she proposed Loggerhead Park was because it is at the end of the Town, and because of limited parking, it would be limited to residents.

Commissioner Corey Runte stated any Commissioner can put anything up for discussion, which is what this is, strictly just a discussion. A lot of residents have contacted Commissioners about having a safe place for dogs. That being said, he does not support development of the park.

Commissioner Marivi Walker stated she appreciates the idea, but questioned if the Town even has space to put a dog park.

Commissioner Corey Runte stated what about asking the County to put one in at Flutie Field.

Further discussion ensued

Town Manager Elizabeth Mascaro stated we can also contact Indialantic, who recently allowed dogs on the beach in a certain area at certain times.

NEW ACTION ITEM: Dog park research

***Barbara Strutman
802 Pine St***

Barbara Strutman stated although it has already been resolved about Loggerhead, but she would like to add her input. She is against the Loggerhead dog park because this is the last piece of oceanfront property in the Town of Melbourne Beach that is not already concrete. Would the dog park bring more traffic to Town? Would it increase annual taxes? Why does it have to be oceanfront property? Please consider these things.

***Ali Dennington
413 Surf Rd***

Ali Dennington stated she loves dogs, but she doesn't think a dog park is a good idea. When you say Dog Park, most people think of a fenced in area. What about having two poles on the beach and during certain times you can walk your dog on the beach between the poles? To help the residents, what about a time restriction of only from sunset to 9am? The stormwater drainage area by the tennis courts could be a good area to put something up once a week to allow dogs to run.

Curtis Byrd
306 Surf Rd

Curtis Byrd stated he, along with the Environment Advisory Board, assisted in the purchase of the land for Loggerhead Park. The two things the State wanted was to protect the native vegetation and education. There are quite a few events they plan, including education and planting throughout the year. In the application process of the grant, it was written that there would only be pedestrian and bicycles, with no parking areas.

Neal Tompkins
2004 Neptune Dr

Neal Tompkins stated he is glad Loggerhead was taken off the table. He also stated the speed limit there is forty miles per hour, so golf carts cannot be driven down that road. Exploring ideas is a good idea, but he suggests you take the beach off as well. No other municipalities have a dog beach park.

Christian Stumpt
1708 Atlantic

Christian Stumpt stated currently enforcement and taking care of the park is not being done. He stated golf carts are parking there, there is ongoing graffiti, and garbage in the park.

Mayor Wyatt Hoover stated the Town staff is very responsive to things like that, so please snap a picture and send it to townmanager@melbournebeachfl.org, and our public works team will handle it.

Patrick Hagerty
1702 Atlantic St

Patrick Hagerty stated in 2015, Indialantic and Cocoa were both trying to establish a beachfront dog park. They were ultimately shut down because the habitat is considered sea turtle nesting areas. In 2019, an eleven-mile stretch of beachfront south of Melbourne Beach did the same thing. The Brevard County Attorney's Office wanted the County Commissioners to be aware of the potential liability under the Federal Endangered Species Act if they allowed dogs on the beaches in the Archie Carr National Wildlife Refuge. The Act protects threatened and endangered plants and animals, as well as the habitats in which they are found, including sea turtles and sea turtle nesting areas. Lastly, people are already bringing their dogs on the beach against the rules. The Commission should take into effect that people always push boundaries. Opening up to allow dogs on the beach will just allow people to take advantage of it.

Jude Wilson
526 Sunset Blvd

Jude Wilson stated when she first moved here it was wonderful to be able to take her dog to the beach in the early morning when no one was around. There are also more than a dozen people here that she has seen with a dog on the beach. The Commission should consider allowing dogs on the beach in the early morning hours when tourists are not there and people are not sun bathing. She stated she grew up in a different small town which allowed dogs on the beach during certain times and the dogs had to get a special tag. People outside of the Town would not be able to get the tag, so everyone that had the tag was a resident and was responsible. Is there any land that the Town could acquire to have a dog park?

Margie Hoffman
The Breakers

Margie Hoffman stated laws are there to protect everyone and to be followed. In Melbourne Beach dogs are not allowed on the beach, but many times she can see dogs on the beach from her patio. She is concerned when dogs are off leash and barrel down the beach at kids.

Mike McGraw
2005 Atlantic St

Mike McGraw asked what are the rules and regulations regarding dogs on the beach. Dogs are already on the beach. If allowed, people would push the rules. He just wants to protect what we have out there.

Mayor Wyatt Hoover stated no dogs are allowed on the beach at all.

Doug W
1712 Atlantic St

Doug W stated Loggerhead is not a park, it is a preserve. He has surfed all over the place and Loggerhead is a jewel. He went down there today and counted nine turtle nests. That area needs to be left alone.

Commissioner Corey Runte stated if anyone sees a light violation, to take a picture and write the address and send it to our Code Enforcement.

Building Official Robert Bitgood stated if anyone replaces windows on the beach, or if anything is built, that is enforced as well.

- B. Consideration of the updated Interlocal Agreement with Indialantic for fire-rescue dispatch services

Town Manager Elizabeth Mascaro stated this is the seventh update to the agreement with Indialantic, and the fee has increased by \$200.00 making the total \$5,400.00.

Commissioner Corey Runte moved to approve the Interlocal agreement with Indialantic as presented; Commissioner Marivi Walker seconded; Motion carried 5-0.

- C. Discussion on revisions to the landscape and tree ordinance

Building Official Robert Bitgood stated this is something that has been in the works for the past six month. This is just to open up a dialogue and get any input. He met with the Fire Department to make sure there wouldn't be any issues with allowing taller shrubs in front yards. One idea to define the houses directly on A1A would be to use the words along the state road. The governor is about to pass new legislation, so to match it, consider adding to our ordinance "must meet the standards set in tree risk assessment, second edition (2017)."

Commissioner Corey Runte asked what the repercussion is if someone removes a tree that would not normally be allowed without a permit.

Building Official Robert Bitgood stated he would red tag it meaning he would issue a stop work order. They then have thirty days to go through the process of getting a tree permit. Under the new fee schedule, he has the ability to assess up to four times the cost of the permit for doing work without a permit, however, because the tree permit does not cost anything that would need to be reviewed.

Commissioner Corey Runte would like to see the repercussions increased to include a fine for illegal tree removal, and have those fees go towards replacement trees.

Commissioner Sherrie Quarrie asked if some of the money could go towards education, because some of the homeowners truly do not know what they can or cannot cut, and what requires a permit.

Commissioner Corey Runte stated coming up with something simple like call before you cut to put on social media and the Town website that goes to the permit application.

Building Official Robert Bitgood stated 9A-4 (a) change four copies to two copies which is sufficient. Add "trees that are removed for new construction shall be replaced by same or similar species. For mature oaks two similar species will be required. Twelve inches in height above grade." The section 9A-10 change the authorization from Public Works Department to the Building Official or Town Manager. 9A-5 (b) just to stress the requirement of the field check of the site. 9A-6 (b2) twelve feet in height and 4.5 feet above grade to make sure they have a good healthy tree. 9A-7 (a) Remove "minimum of three trees" and defer to other more

specific areas of the code. 9A-7(5a) add the words “above grade” after eight feet in height to be more specific.

Mayor Wyatt Hoover asked if section 7A-53 (2c) need to be amended to a maximum of six feet for homes along state road A1A.

Building Official Robert Bitgood stated that is correct and also section e. Other municipalities have also required full front four-foot vegetation be planted in front of the wall or fence.

Commissioner Sherrie Quarrie asked if the setback requirement would be to the vegetation or to the wall.

Building Official Robert Bitgood stated it would be to the wall because the vegetation is removable, but they would still need to adhere to the twenty-five-foot triangle.

Mayor Wyatt Hoover stated he doesn't think the hedges should be restricted to State road A1A. He would be in favor of striking the maximum four foot hedge in the front yard.

Commissioner Corey Runte and Marivi Walker agreed.

Building Official Robert Bitgood stated this is the only jurisdiction that does not have a setback for a shed to keep them off of the property line. 7A-57 add “shed roof line cannot place water on the neighbor's property”.

Crystal Cain
309 Surf Rd

Crystal Cain stated that if someone bought a property, is there a picture to know what trees are present at that time? Is there a way to know that or have it on a site plan?

Building Official Robert Bitgood stated currently no there is no picture or anything showing current trees.

Commissioner Corey Runte stated when site plans are submitted vegetation is included. As part of the site plan, the caliper and type of tree are required.

Building Official Robert Bitgood stated for new construction a tree permit is not issued until he has walked the property with them, and as part of the site plan, he requires an architectural drawing showing what is there and what is being removed before they can do anything. At the time of the onsite walk he takes pictures.

Ali Dennington
413 Surf Rd

Ali Dennington asked where on the agenda does it say that shed setbacks would be discussed at this meeting.

Building Official Robert Bitgood stated the setbacks are not being talked about, just the water that is being displaced.

Mayor Wyatt Hoover clarified nothing about setbacks would be changed, just the proposed verbiage of “shed roof line cannot place water on a neighbor’s property.”

Nancy Haney
181 Ocean Ridge Dr

Nancy Haney asked about the 1.8 million in ARPA funds. Are there any proposals, and who decides it, and do residents get any input?

Mayor Wyatt Hoover stated the majority of the funds will be used for storm water upgrades and improvements. The requirements are established at a federal level, but the Commission locally decides on how to use the funds. Every time a decision such as an ordinance change is made, it has been discussed in at least three or four meetings, which can take around six months.

Nancy Haney asked if the stormwater issue has already been determined to be the most appropriate and important way to use the money.

Mayor Wyatt Hoover stated that the money is already in the works for several projects, so yes.

Town Manager Elizabeth Mascaro stated for the record the amount is 1.6 million not 1.8 million.

Commissioner Corey Runte made a motion to move forward with the landscape and tree ordinance revisions as presented and discussed; Commissioner Marivi Walker seconded; Motion carried 5-0.

D. Consideration to close Town Hall at noon on Friday, July 1st.

Town Manager Elizabeth Mascaro stated this would be a nice time for team building with a pot luck lunch and get to learn things about each other.

Vice Mayor Joyce Barton made a motion to approve the team building event on July 1st in the afternoon; Commissioner Marivi Walker seconded; Motion carried 5-0.

E. Consideration of a Tourism Lagoon Project Grant

Town Manager Elizabeth Mascaro stated she received a call regarding the Tourism Lagoon Project Grant for up to \$50,000.00 without the requirement for matching funds. They mentioned painting storm drains. She stated we could do a mural guide to get people to find and take pictures with around the Town. It has to be to promote tourism, and the drop dead date for submission is June 22nd.

Mayor Wyatt Hoover stated he would love to see the walls that enclose the beach accesses, boat ramp, Ryckman Park painted with different ecosystems.

Commissioner Corey Runte stated businesses might be interested as well.

Nancy Haney
181 Ocean Ridge Dr

Nancy Haney asked if it is possible to get an extension of the June 22nd due date.

Town Manager Elizabeth Mascaro stated they do not generally allow that.

Nancy Haney stated she has access to a lot of very good artists in town and would be willing to help.

Ali Dennington
413 Surf Rd

Ali Dennington stated she has seen a guy that paints surfboards online, so maybe get some longboards to paint and put them around town.

Neal Tompkins
2004 Neptune

Neal Tompkins stated that all of the ideas are great, but maybe not the storm drains, as that is where all of the stormwater goes to the lagoon. He stated as part of the S.E.A project it was mentioned painting crosswalks, which became a tourist attraction.

Kyle Stark
209 Surf Rd

Kyle Stark stated that what is being talked about would be a great opportunity for kids to not only enjoy the beauty of the decorations, but to also have some sort of educational aspect to it. He suggested coming up with a mission statement of what the art means to the Town.

Commissioner Corey Runte made a motion to approve proceeding with the tourist lagoon grant; Vice Mayor Joyce Barton seconded; Motion carried 5-0.

F. Consideration and approval of Ordinance 2022-01 on low-speed vehicles

Town Attorney Clifford Repperger stated this is the first reading of ordinance 2022-01 an ordinance of the Town of Melbourne Beach, Brevard County, Florida relating to the traffic code of the town; making findings; creating sections 30-100 through 30-109, Town Code of ordinances, authorizing the operation of low speed vehicles within the town; providing legislative intent and definition; providing for authorized use and operation of low speed vehicles; providing for permits, applications, decals, inspection, and permit revocation; setting forth required equipment; providing for waiver of claims; setting forth unlawful conduct and prohibitions; providing parking regulations; creating provisions for enforcement; providing for reciprocity with the Town of Indialantic; providing for severability; providing for repeal of conflicting ordinances and resolutions; providing an effective date; and providing an adoption schedule.

Town Attorney Clifford Repperger stated this is the low speed vehicle ordinance. It is substantially similar to what Indialantic has with a few tweaks. It is placed into the Town's Traffic Code to allow for low speed vehicles via decal in the Town of Melbourne Beach. Again these are specifically defined low speed vehicles, they are not golf carts by definition, with the required equipment and with the required driver's license. Operation within the Town and providing with reciprocity for those who have decals in Indialantic can operate within the jurisdictional boundaries of the Town of Melbourne Beach. There is no need for an Interlocal agreement with Indialantic since reciprocity is written into the ordinance.

Police Chief Melanie Griswold stated she spoke with Indialantic's Town Manager and Chief of Police, and they are going to make some amendments to their ordinance.

Vice Mayor Joyce Barton moved to approve and pass Ordinance 2022-01 on the first reading for low speed vehicle ordinance; Commissioner Marivi Walker seconded; Motion carried 5-0.

10. Staff Reports

A. Town Attorney Report

No Report

B. Town Manager Report

Town Manager Elizabeth Mascaro stated she was contacted by the EAB who would like to set up an educational demonstration on rain barrels, to encourage residents to use them. She wanted to make sure the Commission is okay with it and if they wanted them painted or designed.

Vice Mayor Joyce Barton stated it would be nice to show them decorated, or blended in to the surrounding area. It would be a great learning experience.

Mayor Wyatt Hoover stated a great place to put one is the South West corner where the bathrooms are in the park here.

Crystal Cain
309 Surf Rd

Crystal Cain stated you want to place it where you can use the water from it as well. She relayed that Leslie with the EAB is heading this up.

C. Town Clerk Report

No Report

D. Departmental Reports

1. Building Department

No additions to the report

2. Public Works Department

Public Works Director Tom Davis stated for the most part Sunset is finished. He will assess the changes to see if they are effective or not. He prefers the style of light that is in the ground. He also recently purchased a water tote to be able to water the plants and trees around town.

3. Code Enforcement

No additions to the report

4. Police Department

Police Chief Melanie Griswold stated she would like to give kudos to Corporal Martin and Administrative Assistant Megan for the recent movies in the park event, which had to end up being in the community center. Also, thank you to Amber for helping out the Police Department on Founder's Day. Sergeant Sadler, Officer Tejada, Chaplain Finlayson, and Megan helped out with Melbourne Square Mall's Hometown Heroes event.

5. Fire Department

Fire Chief Gavin Brown stated when he sent in his monthly report he sent in the abbreviated version, so there is one page missing. The highlights from the missing pages included the Fire Department assisting with Founder's Day where there were no incidents, not even for bandaids. The Fire Department's

CPR instructors taught BLS courses to certify all of the Melbourne Beach and Indian Harbour Beach Police Officers in CPR. The instructors also took a high performance CPR course through Brevard County Fire Rescue to help improve patient outcomes. The Department also went to Indian Harbour Beach last month to discuss the shared training center which is slowly progressing. Currently the Department has twenty four state certified firefighters and on average, approx. eleven volunteers show up to each call for service, ten of which are State certified firefighters / volunteer firefighters.

6. Finance Department

Vice Mayor Joyce Barton moved to approve the Finance Report as presented; Commissioner Corey Runte seconded; Motion carried 5-0.

11. Town Commission Comments

A. Review of Commission Action Item List

New

- **Dog Park Research**

Updated

- **Permanent Tree Lighting:** PW installed two types of lights to evaluate. – Report will be given next month.
- **Community Center Audio:** Received quotes from companies: one quote was for \$16,000-\$19,000, a second quote was for just under \$27,000, a third quote was for just over \$8,500. The other option would be for us to purchase the items and install them ourselves which could cost around \$5,000. – Next month bring 3 breakdowns of the potential products
- **S.E.A. Project:** Town Manager spoke with Neal and now has two proposed dates in August. – Next month she will have the final date
- **Multi-generational Suites:** Add to old business for next month for proposed language, then it will go to planning and zoning, then back to the Commission. - August
- **Charging Stations:** Town Manager spoke with James Moore (he is NOT associated with the auditors) who has a company that installs charging stations he recommended putting a charging station in a pay-to-park spot. Vice Mayor Joyce Barton stated one of his charging stations was just installed at Grace Lutheran. – August

Closed

- **Drown Zero Stations:** Provided related documents from Cocoa Beach when they approved the drown zero stations - Closed
- **Low-Speed Vehicle:** First reading of the ordinance today – Closed

B. General Comments

None

12. Adjournment

Commissioner Corey Runte moved to adjourn; Commissioner Marivi Walker seconded; Motion carried 5-0.

Meeting adjourned at 9:38 p.m.

ATTEST:



Wyatt Hoover, Mayor



Amber Brown, Interim Town Clerk



From: [Corey OGorman](#)
To: [Cliff Repperger](#); [Building Official \(buildingofficial@melbournebeachfl.org\)](#); [Melbourne Beach Town Manager](#)
Subject: RE: Draft Ordinances for Landscaping and Second Kitchens
Date: Thursday, February 2, 2023 7:12:59 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Cliff,

Thanks for copying me, I had a chance to take a look at the draft ordinance for 2nd kitchens and my initial thoughts and comments are:

- I currently see a lot of outdoor kitchens in covered patio areas that is more of an outdoor BBQ area. If there are a lot of these in Melbourne Beach, you may want to make a distinction between an outdoor BBQ area and an indoor 2nd kitchen. Perhaps this could be addressed in the intent section where a 2nd kitchen is proposed to enable an accessory living area within the home to be occupied by an extended family member ... or something like that.
- Many of the codes I have read with this ability talk about this situation in terms of an “accessory dwelling unit” rather than a 2nd kitchen. And although I think the 2nd kitchen approach is fine, it might make sense to consider discussing the intent to allow an accessory dwelling with its own cooking facilities. In the MB Code, an Accessory Use is one that is clearly incidental and subordinate to the principal use, and that may be a way of limiting square footage, etc.
- Other codes that I have read also include language that the accessory unit is not considered a dwelling unit for density purposes under the comp plan or a second unit under the zoning code, neither of which would be approved.
- In a committee that I participate on in PB County has also reviewed this issue and found that some provisions in the PBC Code are not enforceable. For instance, the county has the same provision for electric meters and the restriction on not renting, but there is always the ability for a property owner to install a sub-meter. Also, where paragraph 1 says that direct access to the kitchen is from the living area or quarters of the SF residence, the language does not prohibit an exterior access.

Regarding the trees, my initial thoughts are:

- Section 9A-4 references a “Best Practices” document, and I have often seen where the document is kept on file with the town clerk and can be provided to applicants if needed.
- I don’t recall seeing in the existing or proposed code language anything regarding protected species of trees which I normally see. I see an exemption for exotic species, but there are often codes which specify what are the most desirable tree species for preservation and planting. I also see that there is reference to native vegetation and Florida Friendly, although it might be helpful to define the species that are desirable in MB, or at a minimum keep those documents/references with the clerk for distribution to applicants if needed. Also, I usually see that permits are typically not required for trees under a certain caliper or overall size. For

instance if there is a sapling that is less important than a 100 year old oak that has a 36" DBH.

Just food for thought, I hope it helps! THANKS!

Corey W. O'Gorman AICP
Place Planning

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