

# Town of Melbourne Beach

## PUBLIC NOTICE

### AGENDA

## PLANNING & ZONING BOARD MEETING TUESDAY, MARCH 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. February 7, 2023 minutes

**4. NEW BUSINESS**

- A. Site plan approval for 401 Atlantic St – garage addition  
 B. Site plan approval for 214 Surf Rd – building addition  
 C. Site plan approval for 210 Second Ave – cabana accessory structure  
 D. Site plan approval for 320 Avenue A – garage accessory structure

**5. PUBLIC HEARINGS**

- A. Second reading of 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 SECTION 9A-5, APPLICATION FOR PERMIT; REVIEW OF APPLICATION; 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. Second reading of 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, FEBRUARY 7, 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 David 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  
Alternate Dan Harper  
Alternate Gabor Kishegyi

**Staff Present:**

Town Manager Elizabeth Mascaro  
Building Official Robert Bitgood  
Town Clerk Amber Brown  
Town Attorney Clifford Repperger  
Building Admin. Megan Newell

**Absent:**

Member Douglas Hilmes  
Member Daniel Gonzalez

**3. APPROVAL OF MINUTES**

A. January 10, 2023 minutes

**Vice Chairman Kurt Belsten made a motion to approve the January 10, 2023 minutes; Member April Evans seconded; Motion carried 5-0.**

**4. NEW BUSINESS**

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

**Vice Chairman Kurt Belsten moved to approve the site plan for 921 Oak St; Member April Evans seconded; Motion carried 5-0.**

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

**Member April Evans moved to approve the site plan for 419 Riverview Ln; Vice Chairman Kurt Belsten seconded; Motion carried 5-0.**

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

**Member April Evans moved to approve the site plan for 404 Colony St; Vice Chairman Kurt Belsten seconded; Motion carried 5-0.**

**5. PUBLIC HEARINGS**

A. Proposed Ordinance 2023-01 – Landscaping and Trees Section 9A

Town Attorney Clifford Repperger read Ordinance 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.**

Town Attorney Clifford Repperger spoke about the amendments to the ordinance which include the following.

- 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 enhances 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.

Member Dan Harper provided a document of his feedback of the proposed ordinance and spoke about his reasons why some of the proposed sections should be amended and others should not be adopted at all. The sections included 9A-7(c), 9A-4, 9A-6(b)(2), 9A-7(a), and 9A-12.

Further discussion ensued

Town Attorney Clifford Repperger spoke about the fine amounts being set by state statute, and the Best Management Practices book is referenced in State Statute. Town Attorney Clifford Repperger spoke about the Board being able to table the discussion, but it will still go for first reading to the Town Commission this month.

**Member April Evans made a motion to table this till the March meeting; Vice Chairman Kurt Belsten seconded; Motion carried 5-0.**

B. Proposed Ordinance 2023-02 – Second Kitchens

Town Attorney Clifford Repperger read Ordinance 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.**

Town Attorney Clifford Repperger spoke about the amendments to the ordinance which include the following.

- 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.

Further discussion ensued

Member Dan Harper spoke about concerns that the exterior entrance would convert the residence from a single-family residence to a multifamily residence.

Town Attorney Clifford Repperger spoke about the ordinance being written in a way to prevent multifamily residence.

Member April Evans spoke about adding a section to prohibit sub-meters for electric.

**Vice Chairman Kurt Belsten moved to approve Ordinance 2023-02; Member April Evans seconded; Motion carried 4-1 with Member Dan Harper dissenting.**

**6. OLD BUSINESS**

None

**7. PUBLIC COMMENT**

**8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY**

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

A. Tree ordinance

**10. ADJOURNMENT**

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

The meeting adjourned at 7:35 p.m.

**ATTEST:**

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**David Campbell, Chairman**

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**Amber Brown, Town Clerk**





**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 checked="" type="checkbox"/> Coastal Construction Variance          |
| <input type="checkbox"/> Variance  | <input type="checkbox"/> Appeal (Application must be filed within 30 days) |
| <input checked="" 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: The subject site is located toward the north end of Atlantic St.

Address: 401 Atlantic St, Melbourne Beach, FL 32951

Parcel Number(s): 28-38-05-50-5-1 (Account No. 2846441)

Area (in acreage): ~ 0.85

Area (in square feet): ~37,234

Current Zoning: 1-RS

Proposed Zoning: 1-RS

Current Future Land Use: Single-family

Proposed Future Land Use: Single-family

Brief Description of Application: Both a Coastal Control Line Variance and a Site Plan review is requested to allow for a building addition to the existing single-family residence located on the subject lot.

Date of Mandatory Pre-Application Meeting (attach meeting minutes if applicable): Email submittal 4/27/2022

**IV. APPLICANT INFORMATION:**

Property Owner

Name: O John Alpizar Trust - Managing Member

Phone: (321) 591-7942

Address: 401 Atlantic Street

Fax: \_\_\_\_\_

Melbourne Beach, FL

Email: John@AlpizarLaw.com

Applicant (if other than property owner)

Name: Clayton A. Bennett

Phone: (321) 622-4462

Address: 4940 Ranchland Rd.

Fax: (321) 622-4462

Melbourne, FL 32934

Email: cbennett@cfl.rr.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: 10/27/22

Print Name: O. John Alpizar

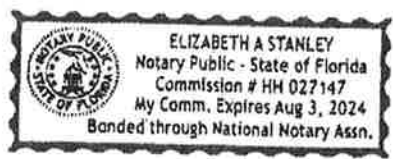
Title: owner

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me  
this 28 day of October, 2022 by O. John Alpizar  
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: 11/17/2022  
Print Name: Clayton Bennett Title: Managing Member

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 17<sup>th</sup> day of November, 2022, by Clayton Bennett, 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: Both a Coastal Construction Control Line Variance and a Site Plan review are requested to allow for a building addition to an existing single-family residence located on the subject site.

Provide attachment if more space is needed.

Describe Existing Conditions: The subject site is currently developed as a single-family residence.

Provide attachment if more space is needed.

#### A. Variance to Coastal Construction Line Restrictions\*

Applications for variance to the Coastal Construction restrictions shall provide a statement describing the proposed work, activity, and construction seaward of the coastal setback line.

A Coastal Construction Control Line variance of 139.6 feet is requested to allow for a building addition on the landward side of the existing single-family residence. The proposed work will include a building addition, site grading, removal and reconstruction of the driveway, and other associated site related items.

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Provide attachment if more space is needed.

Applications shall also include a topographic survey of the subject property with the following specific information:

- The location of the contour line corresponding to elevation zero feet NGVD;
- The location of any existing vegetation line on the subject property;
- The location of the established State Department of Environmental Protection Coastal Construction Control Line and the mean high water line, for the full width of the subject property, including the location and number of the two nearest State Department of Environmental Protection's baseline monuments;
- The location of all proposed development to be constructed as a result of the proposed variance;
- The location of all existing development to remain on-site as a part of the development or redevelopment of the site;
- The location seaward of the coastal construction control line of all portions of all existing, and planned development, depicting the number of feet seaward of the coastal construction control line of the development;
- The location for the full width of the subject property of: the line of continuous construction; the top of the coastal dune system; the toe of the coastal dune system on or adjacent to the property at the time of application to the point at the dune, as it existed in September, 1972; and the location of the East side of the A-1-A right-of-way; the location of any principal structure to the North and South of the proposed project property and located within 100 feet of the proposed project property. As used in this subsection, the term ***LINE OF CONTINUOUS CONSTRUCTION*** is a line drawn from the most seaward edge of any principal structure to the North, and within 100 feet of the proposed project to the most seaward edge of any principal structure to the South, and within 100 feet, of the proposed project; and
- A certification as to the maximum number of feet seaward of the coastal construction control line for which the variance is requested for the full width of the subject property.

The applicant shall also provide detailed final construction plans and specifications for all structures proposed to be constructed seaward of the coastal setback line. These documents shall be signed and sealed by a professional engineer or architect, as appropriate, who must be registered in the state.

The Applicant must provide documentation and narrative demonstrating the following:

That the subject property experienced less than 25 feet of beach-dune erosion since September, 1972. The erosion will be measured by determining the extent of horizontal recession from the toe of the dune as it exists at the time of application to the point at the dune as it existed in September, 1972, which corresponds to the same elevation as the toe of the dune as it exists at the time of application;

The enclosed special purpose survey of FDEP R-130, prepared by Kane Surveying, Inc., Job No. 42320, dated 10/20/22, demonstrates that the subject site has experienced less than 25 feet of beach-dune erosion since 1972.

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Provide attachment if more space is needed.

That the granting of the variance will not be injurious to adjacent properties, nor contrary to the public interest

The proposed improvements will be design to comply with the requirements of the Florida Building Code. In addition, the proposed improvements are to be located on the landward side of the existing single-family residence. Furthermore, the proposed project will require a coastal construction permit by the Florida Department of Environmental Protection.

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Provide attachment if more space is needed.

That the granting of the variance will not jeopardize the stability of the beach-dune system.

In granting any variance, the Board of Adjustment will when reasonable to do so require that new development on the property subject to the variance be no further seaward than existing development to the North or South of the subject property.

No improvements are proposed on the beach dune, nor any vegetation proposed to be removed from the beach dune. Furthermore, the existing residence will serve as a buffer between the proposed improvements and the beach dune.

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Provide attachment if more space is needed.

A notice containing the aforementioned information shall be posted by the applicant on the affected property at least 15 days prior to the public hearing. If the property abuts a public road right-of-way, the notice shall be posted in such a manner as to be visible from the road right-of-way. An affidavit signed by the owner or applicant evidencing posting of the affected real property shall be received by the Town Board of Adjustment, prior to the public hearing.

Public notification – As required by code for the respective applications, the applicant must provide a map showing the subject site and all properties within a 500' radius. The applicant must also provide self-addressed envelopes with the Town's return address for each property owner within that 500' radius for purposes of providing notice to property owners of record. A sign must also be posted on the property within the timeframes required to provide additional public notification as required by Code.

**\* Provide twelve (12) copies of the completed application and all supporting documentation.**

### Site Plan for Single Family Development

A site plan must be reviewed and evaluated by the Town Engineer, Building Official and or Zoning Official and Planning and Zoning Board and approved by the Town Commission. The applicant shall provide the following in support of their application for site plan approval of a single family home:

1. Narrative description of proposed improvements and demolitions.
2. **Two (2) Sealed Surveys of the existing conditions prepared by a professional surveyor. All elevations should be NGVD/DAVD or Comparable for FEMA reference. (Include Lot Dimensions, Square footage & Coverage Percentage)**
  - a. All existing structures (including but not limited to outbuildings, sheds, pools, etc), major features, trees and fences shall be fully dimensioned, including the height of all structures and the distance between principal and accessory structures on site and the distance between structures and driveways, and property or lot lines.
3. **Two (2) Professionally prepared plans in compliance with Ordinance 2019-06 showing the following:**
  - a. Name, location, owner, and designer of the proposed development and the intended use
  - b. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties
  - c. Date, north arrow, and graphic scale (not less than one inch equals 20 feet)
  - d. Location of all property lines, existing streets adjacent to the subject property, easements, as well as proposed driveways and general lot layout
  - e. All existing and/or proposed structures, major features, and fences shall be fully dimensioned, including the height of all structures and the distance between principal and accessory structures on site and the distance between structures and driveways, and property or lot lines
  - f. Site data providing all information needed to confirm compliance with zoning regulations including "required" and "provided" information:
    - i. Proposed principal use and/or any proposed accessory uses
    - ii. Lot size and dimensions
    - iii. Lot coverage
    - iv. Proposed living area square footage (e.g., square footage under air), and square footage of any other spaces including garage, covered entries, covered porches, screen rooms, etc.
    - v. Number of enclosed parking spaces
    - vi. Setbacks from all property lines
    - vii. Number of stories
    - viii. Height of structure
    - ix. Floor plan – a fully dimensioned floor plan shall be provided depicting all existing and/or proposed spaces corresponding to the square footages on the site data breakdown above.
    - x. Architectural elevations of each building façade professionally prepared plan drawn to scale and depicting the height dimension of the proposed structure, construction, or expansion or redevelopment thereof.
    - xi. Landscaping & irrigation plan
4. **Drainage Site Plan showing flow paths and retention areas to meet certification requirements. (3A-80 & 7A-51.1)**
5. **Ten (10) 11X17 Complete sets of plans (all information as outlined in item 3 above) including a copy of the survey both existing and proposed and the Drainage Site Plan.**



# TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

## Site Plan Review

### Applicable Codes

Town of Melbourne Beach Land Development Code  
2020 Florida Building Code

Date: 12/13/2022  
 Owner: ALPIZAR, JOHN O.  
 Owner Address: 401 ATLANTIC STREET, MELBOURNE BEACH FL  
 Site Address: 401 ATLANTIC STREET, MELBOURNE BEACH FL  
 Parcel ID: 28-38-05-50-5-1  
 Zoning: 1RS

**Proposed Project:** Addition of a garage connected to existing single family 2 story dwelling.

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

**Request:** Approval by Planning and Zoning Board, Town Commission for construction of a garage connected to existing single family 2 story dwelling.

**Staff Review:** The property lies in Zoning District 1RS

- 1). Project is an addition of an attached garage to an existing single family 2 story dwelling.  
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 37,234 sq. ft. (min. 12,000 sq. ft.)  
Lot width is 125.34 ft. (min. 100 ft)  
Lot depth is 296.25 ft.( min. 120 ft.)
- 3). Lot coverage has a maximum of 30% for principle structure.  
Lot coverage per plan is 18 % Footprint of Primary Structure is 6670 sq. ft.  
Max allowed for Primary Structure is 11,170.2 sq. ft. for Lot Area of 37,234sq. ft.  
Minimum pervious area per lot is 30%. Pervious area is 72%
- 4). Structure maximum height for zoning district is 28 ft.  
The proposed height of Garage addition will be 19'  
Flood Zone X and VE

**5). Zoning District Setback requirements**

**Proposed Garage Structure Front Setback is 42.09 feet (min. 25 ft.)**

**Proposed Garage Structure North Side Setback 15.07 feet (min. 15 ft.)**

**Proposed Garage Structure South 85.27 feet (min. 25 ft.)**

**Proposed Garage Structure Rear is attached to existing dwelling (min. 25 ft.)**

**6). Sediment and Erosion control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and Florida Building Code (3307.1).**

**7). On-site Storm water Retention Control measures shall be met and approved by the Building Official in accordance with the Town of Melbourne Beach Code of Ordinances (27-28) and the Florida Building Code (3307.1). Town Engineer will submit a review of drainage per Ordinance 2019-06. Town Engineer will be required for final inspection before a Certificate of Occupancy may be issued as per Ordinance 2019-06. Minimum Landscaping Standards shall 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**



**401 Atlantic Street Melbourne Beach Fl.**

**IMPERVIOUS**

Primary Structure	7292
Pool	300
Decks	320
Driveway	676
Accessory Bldg	
Concrete areas	520
Pavers areas	1406
Other	

**TOTAL IMPERVIOUS 10514**

**Lot Total Sq Footage 37,234**

**Primary Structure 19.50%**

**PERVIOUS**

Shed space	0
Open areas	
Other	0

**TOTAL % PERVIOUS 72%**



**OWNER:**  
O JOHN ALPIZAR TRUST  
401 ATLANTIC ST  
MELBOURNE BEACH, FL 32951

**ENGINEER:**  
BENNETT ENGINEERING & CONSULTING, LLC  
4840 RANGLAND ROAD  
MELBOURNE, FL 32934  
(321) 622-4462

**SURVEYOR:**  
KANE SURVEYING, INC.  
505 DISTRIBUTION DRIVE  
MELBOURNE, FL 32904  
(321) 676-0427

**SITE ADDRESS:**  
401 ATLANTIC ST  
MELBOURNE BEACH, FL 32951

**PARCEL ID:** 28-38-05-50-5-1  
**ACCOUNT NO.:** 2846441  
**SITE AREA:** SITE AREA = ±0.85 AC (±37,234 SF)

**ZONING:** 1-RS  
**NATIONAL FLOOD INSURANCE INFORMATION:**  
(AS PROVIDED ON THE SURVEY)  
MAP NO. 12009C0608H  
FIRM INDEX DATE: JANUARY 29, 2021  
FLOOD ZONES: "X" & "Vc"

**LEGAL DESCRIPTION:** (BY SURVEYOR)  
LOT 1 AND THE NORTH 50 FEET OF LOT 2, MAP OF REPLAT OF BEAUJEAN PLAT OF MELBOURNE BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 51 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SUBJECT TO RESTRICTIONS, RESERVATIONS AND LIMITATIONS OF RECORD, IF ANY, SUBJECT TO BEACH STORM DAMAGE REDUCTION EASEMENT RECORDED IN ORB 3928, PAGE 727, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**TABULATION:**

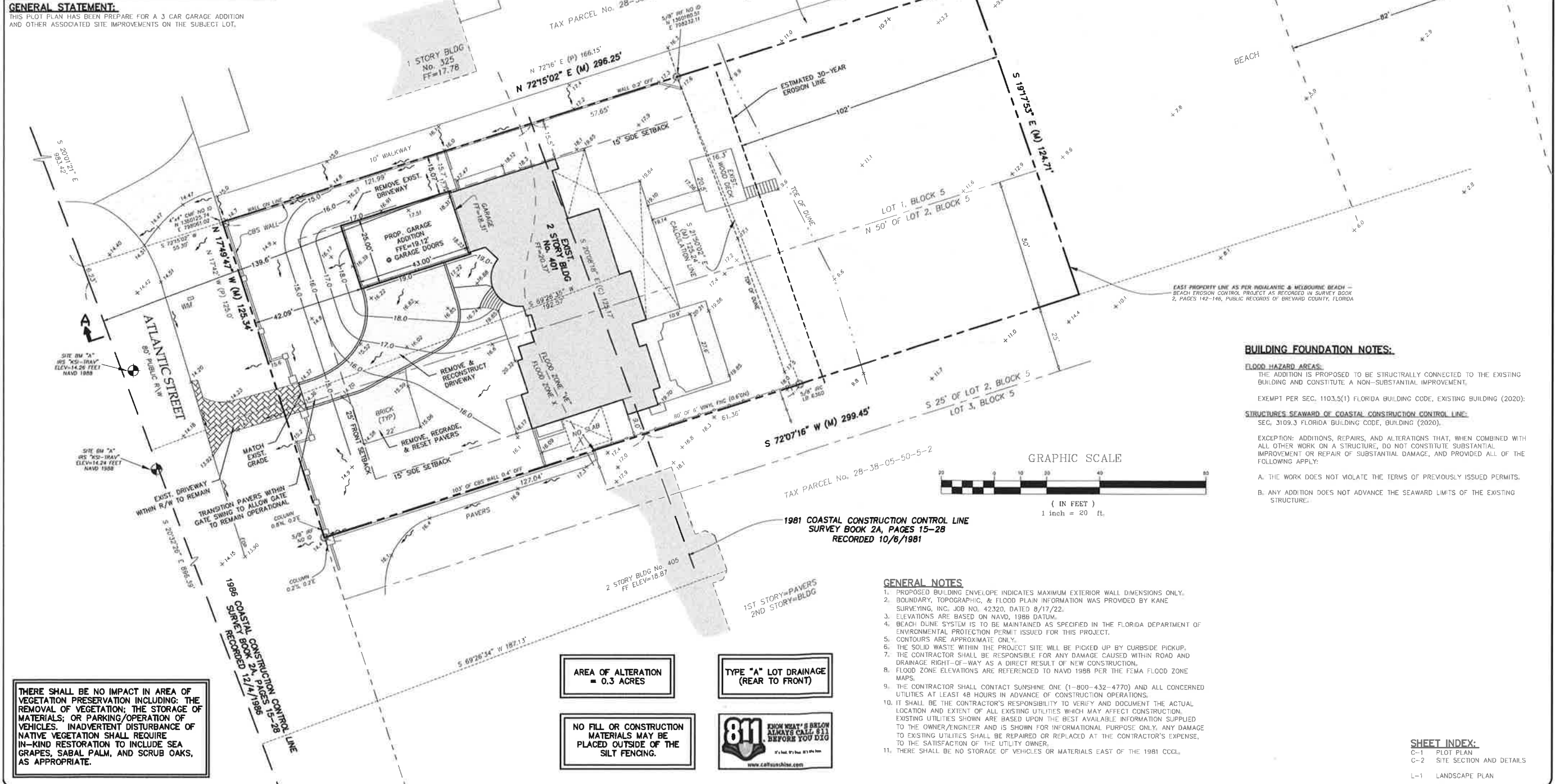
ITEM	REQUIRED/ALLOWED	PROVIDED
SITE AREA	12,000 SF	37,234 SF
SITE WIDTH	100 FT, MIN.	±125 FT
SITE DEPTH	120 FT, MIN.	±236 FT
MIN. FLOOR AREA	1,800 SF	7,292 SF
MAX LOT COVERAGE	30%	6,670 SF / 37,234 SF = 18%
STRUCTURAL HEIGHT	28 FT	19 FT (SINGLE-STORY GARAGE ADDITION)
SET BACKS: PRINCIPLE STRUCTURE		
FRONT	25 FT	42.09 FT
SIDE	15 FT	15.07 FT
REAR	25 FT	25 FT
MIN PERVIOUS AREA	30%	71%

**FDEP CONSTRUCTION NOTES**

- TO THE BEST OF MY KNOWLEDGE THESE DESIGN PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN SECTION 62B-33.005, FLORIDA ADMINISTRATIVE CODE.
- ALL APPLICABLE REQUIREMENTS OF FLORIDA STATUTE 370.12 (MARINE TURTLE PROTECTION ACT) SHALL BE ADHERED TO.
- IN MARINE TURTLE NESTING AREAS, ALL FORMS OF LIGHTING SHALL BE SHIELDED, AND UTILIZE LONG WAVELENGTH LIGHT SOURCES ONLY (E.G. 560 NANOMETERS (NM) OR LONGER AND ABSENT WAVELENGTHS BELOW 560 NM) WITH ALL LAMPS RECESSED WITHIN WELL SHIELDED, FULL CUT-OFF FIXTURES OR OTHERWISE DESIGNED SO AS NOT TO DISTURB MARINE TURTLES.
- TINTED GLASS OR SIMILAR LIGHT CONTROL MEASURES SHALL BE USED FOR WINDOWS AND DOORS WHICH ARE VISIBLE FROM THE NESTING AREAS OF THE BEACH. TINTED GLASS SHALL BE 45 PERCENT OR LESS INSIDE TO OUTSIDE LIGHT TRANSMITTANCE ON ALL NON-OPAQUE DOORS, WALLS, BALCONY, DECK RAILINGS, AND WINDOWS.
- ALL REGULATIONS REGARDING SEA TURTLES SHALL BE OBSERVED.

**EROSION NOTES:**  
BEST MANAGEMENT PRACTICES SHALL BE UTILIZED TO MINIMIZE ANY ON SITE EROSIONS, IN ADDITION TO BEST MANAGEMENT PRACTICES, AS A MINIMUM, SILT FENCE SHALL BE INSTALLED AROUND THE PERIMETER OF THE DEVELOPMENT AREA TO MINIMIZE SEDIMENTATION FROM LEAVING THE SITE.

**GENERAL STATEMENT:**  
THIS PLOT PLAN HAS BEEN PREPARED FOR A 3 CAR GARAGE ADDITION AND OTHER ASSOCIATED SITE IMPROVEMENTS ON THE SUBJECT LOT.



**THERE SHALL BE NO IMPACT IN AREA OF VEGETATION PRESERVATION INCLUDING: THE REMOVAL OF VEGETATION; THE STORAGE OF MATERIALS; OR PARKING/OPERATION OF VEHICLES. INADVERTENT DISTURBANCE OF NATIVE VEGETATION SHALL REQUIRE IN-KIND RESTORATION TO INCLUDE SEA GRAPES, SABAL PALM, AND SCRUB OAKS, AS APPROPRIATE.**

**AREA OF ALTERATION = 0.3 ACRES**

**TYPE "A" LOT DRAINAGE (REAR TO FRONT)**

**NO FILL OR CONSTRUCTION MATERIALS MAY BE PLACED OUTSIDE OF THE SILT FENCING.**

**811** KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG  
It's free. 811 has 811 for you  
www.call811.com

**BUILDING FOUNDATION NOTES:**

**FLOOD HAZARD AREAS:**  
THE ADDITION IS PROPOSED TO BE STRUCTURALLY CONNECTED TO THE EXISTING BUILDING AND CONSTITUTE A NON-SUBSTANTIAL IMPROVEMENT.  
EXEMPT PER SEC. 1103.5(1) FLORIDA BUILDING CODE, EXISTING BUILDING (2020):

**STRUCTURES SEAWARD OF COASTAL CONSTRUCTION CONTROL LINE:**  
SEC. 3109.3 FLORIDA BUILDING CODE, BUILDING (2020).

EXCEPTION: ADDITIONS, REPAIRS, AND ALTERATIONS THAT, WHEN COMBINED WITH ALL OTHER WORK ON A STRUCTURE, DO NOT CONSTITUTE SUBSTANTIAL IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE, AND PROVIDED ALL OF THE FOLLOWING APPLY:

A. THE WORK DOES NOT VIOLATE THE TERMS OF PREVIOUSLY ISSUED PERMITS.  
B. ANY ADDITION DOES NOT ADVANCE THE SEAWARD LIMITS OF THE EXISTING STRUCTURE.

**GENERAL NOTES**

- PROPOSED BUILDING ENVELOPE INDICATES MAXIMUM EXTERIOR WALL DIMENSIONS ONLY.
- BOUNDARY, TOPOGRAPHIC, & FLOOD PLAIN INFORMATION WAS PROVIDED BY KANE SURVEYING, INC. JOB NO. 42320, DATED 8/17/22.
- ELEVATIONS ARE BASED ON NAVD, 1988 DATUM.
- BEACH DUNE SYSTEM IS TO BE MAINTAINED AS SPECIFIED IN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT ISSUED FOR THIS PROJECT.
- CONTOURS ARE APPROXIMATE ONLY.
- THE SOLID WASTE WITHIN THE PROJECT SITE WILL BE PICKED UP BY CURBSIDE PICKUP.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED WITHIN ROAD AND DRAINAGE RIGHT-OF-WAY AS A DIRECT RESULT OF NEW CONSTRUCTION.
- FLOOD ZONE ELEVATIONS ARE REFERENCED TO NAVD 1988 PER THE FEMA FLOOD ZONE MAPS.
- THE CONTRACTOR SHALL CONTACT SUNSHINE ONE (1-800-432-4770) AND ALL CONCERNED UTILITIES AT LEAST 48 HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND DOCUMENT THE ACTUAL LOCATION AND EXTENT OF ALL EXISTING UTILITIES WHICH MAY AFFECT CONSTRUCTION. EXISTING UTILITIES SHOWN ARE BASED UPON THE BEST AVAILABLE INFORMATION SUPPLIED TO THE OWNER/ENGINEER AND IS SHOWN FOR INFORMATIONAL PURPOSE ONLY. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE, TO THE SATISFACTION OF THE UTILITY OWNER.
- THERE SHALL BE NO STORAGE OF VEHICLES OR MATERIALS EAST OF THE 1981 CCCL.

**OWNER:**  
O JOHN ALPIZAR TRUST  
401 ATLANTIC ST  
MELBOURNE BEACH, FL 32951

**ENGINEER:**  
BENNETT ENGINEERING & CONSULTING, LLC  
4840 RANGLAND ROAD  
MELBOURNE, FL 32934  
(321) 622-4462

**SURVEYOR:**  
KANE SURVEYING, INC.  
505 DISTRIBUTION DRIVE  
MELBOURNE, FL 32904  
(321) 676-0427

**DATE:** 10/17/2022

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		

**Bennett Engineering & Consulting**  
4840 RANGLAND ROAD  
MELBOURNE, FL 32934  
(321) 622-4462  
FAX (321) 622-4462  
CA# 28236

**DATE:** 10/24/2022

**BY:** CLAYTON A. BENNETT  
P.E. NO. 53729

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DATE

DESIGNED BY: CAB  
DATE: 10/17/2022

DRAWN BY: CAB  
DATE: 10/17/2022

CHECKED:

APPROVED:

ACAD CODE: 22420M01.DWG

PROJECT NO: 22.420

PLAT PLAN

**C-1**

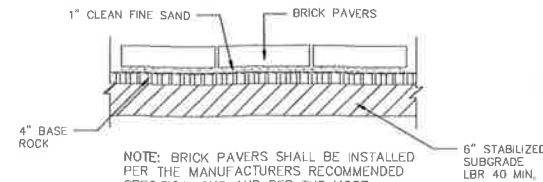
SHEET 1 OF 2

**SHEET INDEX:**  
C-1 PLOT PLAN  
C-2 SITE SECTION AND DETAILS  
L-1 LANDSCAPE PLAN

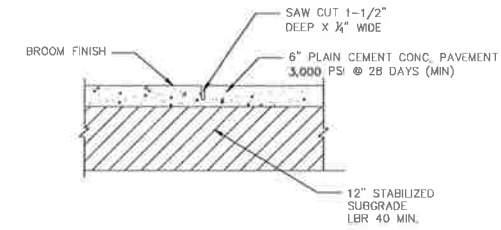
**IMPORT FILL NOTES**

\* ONLY BEACH COMPATIBLE FILL SHALL BE PLACED ON THE BEACH OR IN ANY ASSOCIATED DUNE SYSTEM. ALL FILL MATERIAL PLACED SEAWARD OF THE CCCL SHALL BE SAND WHICH IS SIMILAR TO THAT ALREADY EXISTING IN THE SAME FIXED COASTAL CELL IN COLORATION, GRAIN SIZE, AND COMPOSITION. BEACH COMPATIBLE FILL IS MATERIAL THAT MAINTAINS THE GENERAL CHARACTER AND FUNCTIONALITY OF THE MATERIAL OCCURRING ON THE BEACH AND IN THE ADJACENT DUNE AND COASTAL SYSTEM, SUCH MATERIAL SHALL BE PREDOMINATELY OF CARBONATE, QUARTZ OR SIMILAR MATERIAL WITH A PARTICLE SIZE DISTRIBUTION RANGING BETWEEN 0.062MM (4.0) AND 4.76MM (-2.25) (CLASSIFIED AS SAND BY EITHER THE UNIFIED SOILS OR THE WENTWORTH CLASSIFICATION), SHALL BE SIMILAR IN COLOR AND GRAIN SIZE DISTRIBUTION (SAND GRAIN FREQUENCY, MEAN AND MEDIAN GRAIN SIZE AND SORTING COEFFICIENT) TO THE MATERIAL IN THE EXISTING COASTAL SYSTEM AT THE PLACEMENT AREA AND SHALL NOT CONTAIN:

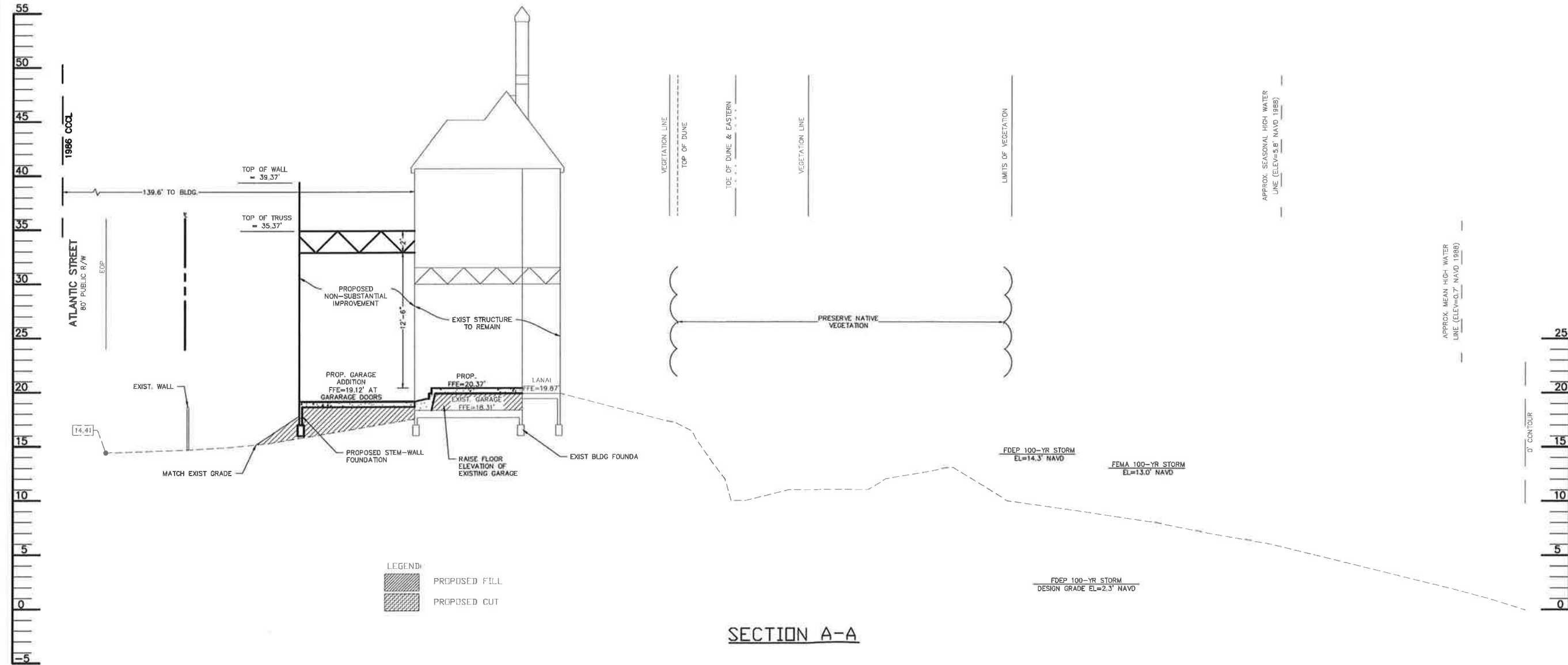
- (A) GREATER THAN 5 PERCENT, BY WEIGHT, SILT, CLAY OR COLLOIDS PASSING THE #230 SIEVE (4.0);
- (B) GREATER THAN 5 PERCENT, BY WEIGHT, FINE GRAVEL RETAINED ON THE #4 SIEVE (-2.25);
- (C) COARSE GRAVEL, COBBLES OR MATERIAL RETAINED ON THE 3/4 INCH SIEVE IN A PERCENTAGE OR SIZE GREATER THAN FOUND AT THE PLACEMENT AREA;
- (D) CONSTRUCTION DEBRIS, CLAY BALLS OR FOREIGN MATTER; OR,
- (E) MATERIAL THAT RESULTS IN CEMENTATION OF THE BEACH,



**ALTERNATIVE BRICK PAVER PAVEMENT SECTION**  
NOT TO SCALE



**CONCRETE PAVEMENT SECTION**  
NOT TO SCALE



**LEGEND:**  
 PROPOSED FILL  
 PROPOSED CUT

**SECTION A-A**

**PROPOSED EARTHWORK SEAWARD OF 1986 CCCL**

ITEM	EXCAVATION (CY)	FILL (CY)
PILES	0	0
UNDER BUILDING	0	50
DRIVEWAY & OPEN AREA	0	100
POOL & DECK	0	0
TOTAL	0	150

FILL > EXCAVATION + NET IMPORT SITE

SCALE: 1"=20'

**JOHN ALPIZAR TRUST**  
 401 ATLANTIC ST  
 MELBOURNE BEACH, FL 32951

**ALPIZAR ADDITION**  
 401 ATLANTIC ST

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		

**Bennett Engineering & Consulting**  
 4840 RAINCLOUD ROAD  
 MELBOURNE, FL 32954  
 (321) 622-4462  
 (321) 622-4462  
 CA# 28236

DATE: 2/24/2023

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DATE: \_\_\_\_\_

DESIGNED: CAB	DATE: 10/17/2022
DRAWN BY: CAB	DATE: 10/17/2022
CHECKED:	
APPROVED:	
ACAD CODE: 22420M01.DWG	
PROJECT NO: 22.420	

SITE SECTION AND DETAILS

**C-2**

SHEET 2 OF 2



**OWNER:**  
O JOHN ALPIZAR TRUST  
401 ATLANTIC ST  
MELBOURNE BEACH, FL 32951

**ENGINEER:**  
BENNETT ENGINEERING & CONSULTING, LLC  
4940 RANCHLAND ROAD  
MELBOURNE, FLORIDA 32934  
(321) 622-4462

**SURVEYOR:**  
KANE SURVEYING, INC.  
505 DISTRIBUTION DRIVE  
MELBOURNE, FL 32904  
(321) 676-0427

**SITE ADDRESS:**  
401 ATLANTIC ST  
MELBOURNE BEACH, FL 32951

**PARCEL ID:** 28-38-05-50-5-1

**ACCOUNT NO:** 2846441

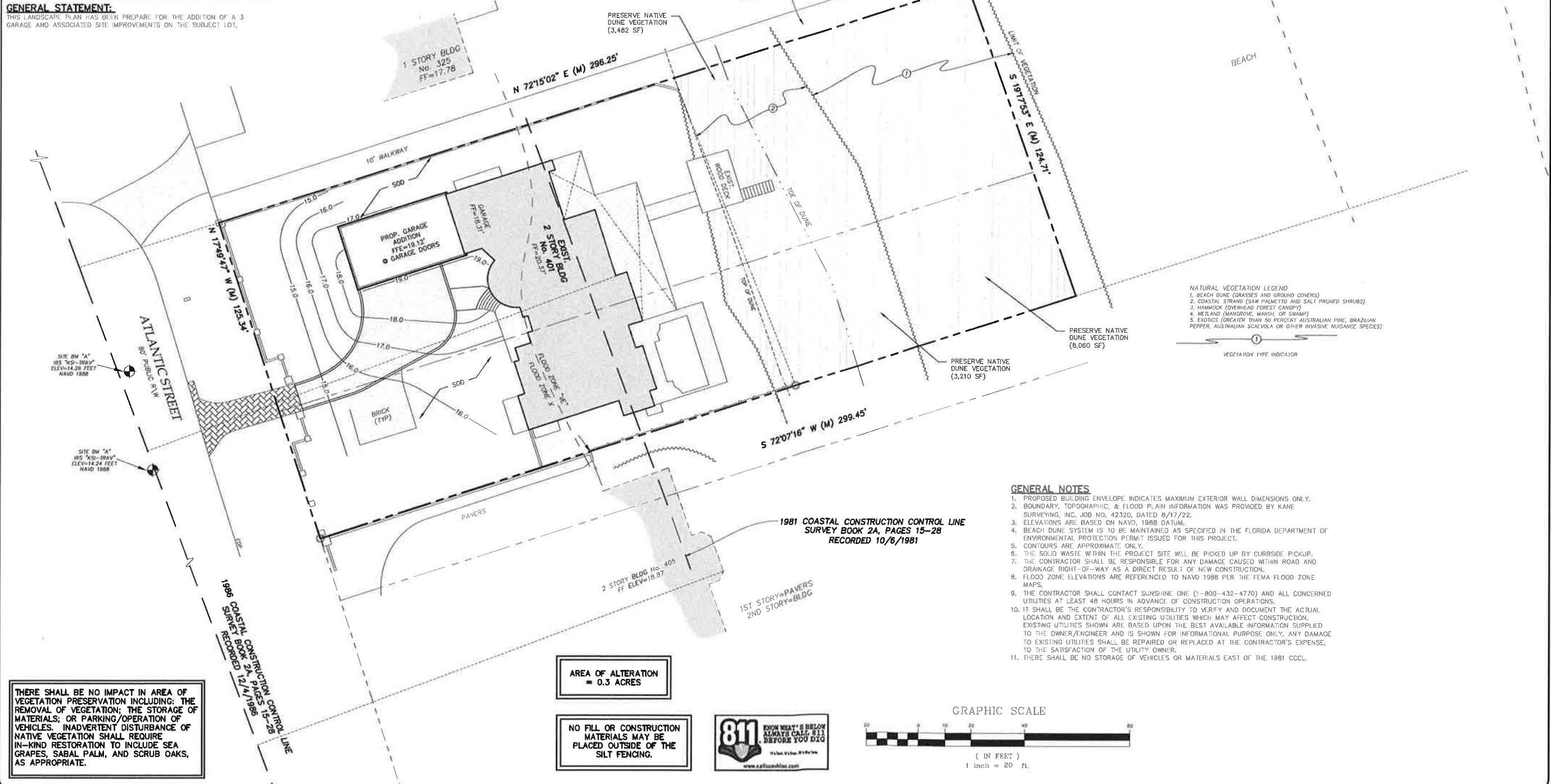
**SITE AREA:** SITE AREA = ±0.60 AC (±26,136 SF)

**LEGAL DESCRIPTION:** (BY SURVEYOR)  
LOT 1 AND THE NORTH 50 FEET OF LOT 2, MAP OF REPLAT OF BEAUJEAN PLAT OF MELBOURNE BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 51 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SUBJECT TO RESTRICTIONS, RESERVATIONS AND LIMITATIONS OF RECORD, IF ANY, SUBJECT TO BEACH STORM DAMAGE REDUCTION EASEMENT RECORDED IN ORB 3928, PAGE 727, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

- FDEFP CONSTRUCTION NOTES:**
- TO THE BEST OF MY KNOWLEDGE THESE DESIGN PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN SECTION 62B-33.005, FLORIDA ADMINISTRATIVE CODE.
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**GENERAL STATEMENT:**  
THIS LANDSCAPE PLAN HAS BEEN PREPARED FOR THE ADDITION OF A 3 GARAGE AND ASSOCIATED SITE IMPROVEMENTS ON THE SUBJECT LOT.



THERE SHALL BE NO IMPACT IN AREA OF VEGETATION PRESERVATION INCLUDING: THE REMOVAL OF VEGETATION; THE STORAGE OF MATERIALS; OR PARKING/OPERATION OF VEHICLES. INADVERTENT DISTURBANCE OF NATIVE VEGETATION SHALL REQUIRE IN-KIND RESTORATION TO INCLUDE SEA GRAPES, SABAL PALM, AND SCRUB OAKS, AS APPROPRIATE.

NORTH

SCALE: 1"=20'

O JOHN ALPIZAR TRUST  
401 ATLANTIC ST  
MELBOURNE BEACH, FL 32951

ALPIZAR ADDITION  
401 ATLANTIC ST

NO.	DATE	REVISION
1		
2		
3		
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7		

BEC Bennett Engineering & Consulting  
4940 RANCHLAND ROAD  
MELBOURNE, FL 32934  
CLAYTON A. BENNETT  
P.E. NO. 53129  
DATE 2/24/2023  
FAX (321) 622-4462  
C.A.# 28236  
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DATE

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CHECKED:	
APPROVED:	
ACAD CODE: 22420M01.DWG	
PROJECT NO: 22.420	

LANDSCAPE PLAN

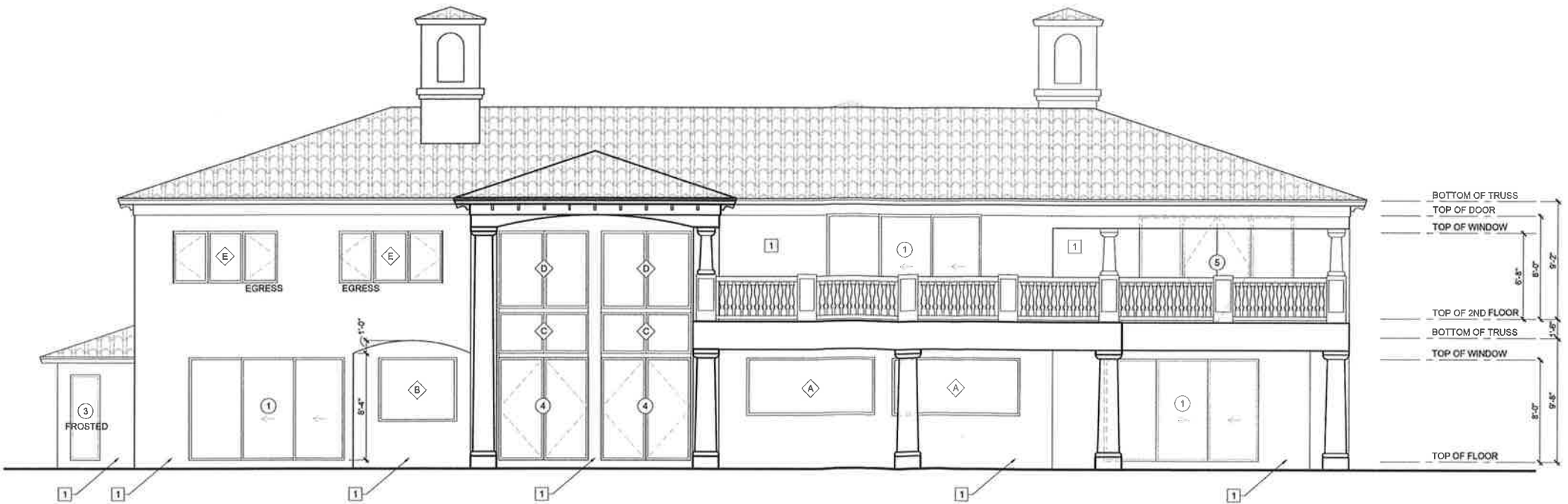
L-1  
SHEET 1 OF 1

**ELEVATION NOTES:**

#	DESCRIPTION
1.	SMOOTH STUCCO FINISH PAINT COLOR:
2.	QUOINS TO MATCH EXISTING
3.	DECORATIVE MEDALLION TO MATCH EXISTING
4.	8" STUCCO BAND
5.	4" STUCCO BAND



**1 PROPOSED FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**2 PROPOSED REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

**ARCHITECT**  
**PHIL KEAN**  
ARCHITECTURE  
CONSTRUCTION  
INTERIORS  
311 W. Fairbanks Avenue  
West Palm Beach, FL 33411  
Tel: 561-288-1022  
Fax: 561-288-1023  
www.philkean.com

**PROJECT:**  
**ALPIZAR RESIDENCE**  
401 Atlantic Street, Melbourne Beach, FL, 32951

**PLAN HISTORY**

#	DATE	DESCRIPT.
1	10/12/22	FOR PERMIT

**DATA:**  
DESIGNER:  
PHIL/  
ERNESTO  
DRAWN BY:  
SUNSHINE

**SHEET DESCRIPTION:**  
FRONT AND REAR  
ELEVATIONS

**SHEET NUMBER**  
**A4.0**

**ELEVATION NOTES:**

#	DESCRIPTION
1.	SMOOTH STUCCO FINISH PAINT COLOR:
2.	QUOINS TO MATCH EXISTING
3.	DECORATIVE MEDALLION TO MATCH EXISTING
4.	6" STUCCO BAND
5.	4" STUCCO BAND

**ARCHITECT**



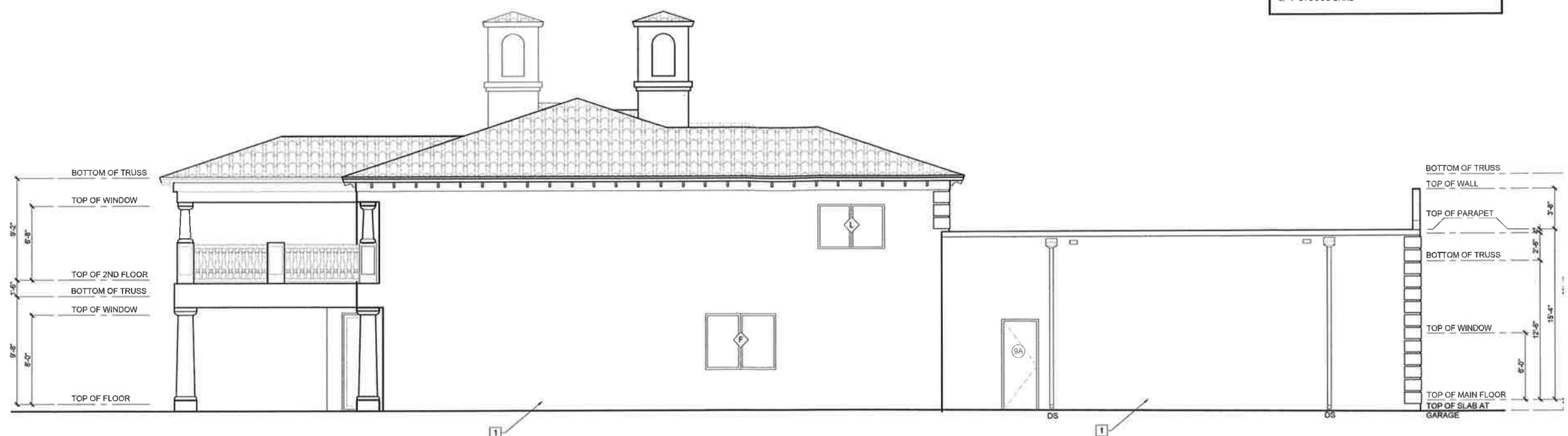
**PHIL KEAN**

ARCHITECTURE  
CONSTRUCTION  
INTERIORS

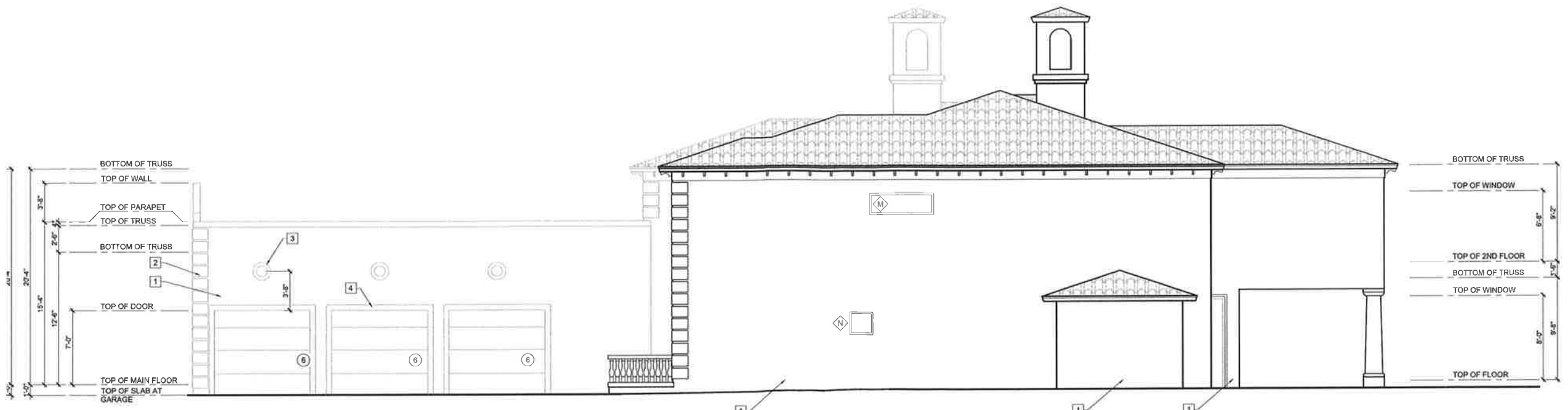
9130 FortLauderdale  
Woods Park, Florida 33488  
PH: 407-999-3822  
FAX: 407-999-3822  
WWW.PHILKEANDESIGN.COM

**PROJECT:**

**ALPIZAR RESIDENCE**  
401 Atlantic Street, Melbourne Beach, FL, 32951



**3 PROPOSED LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



**4 PROPOSED RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"

**PLAN HISTORY**

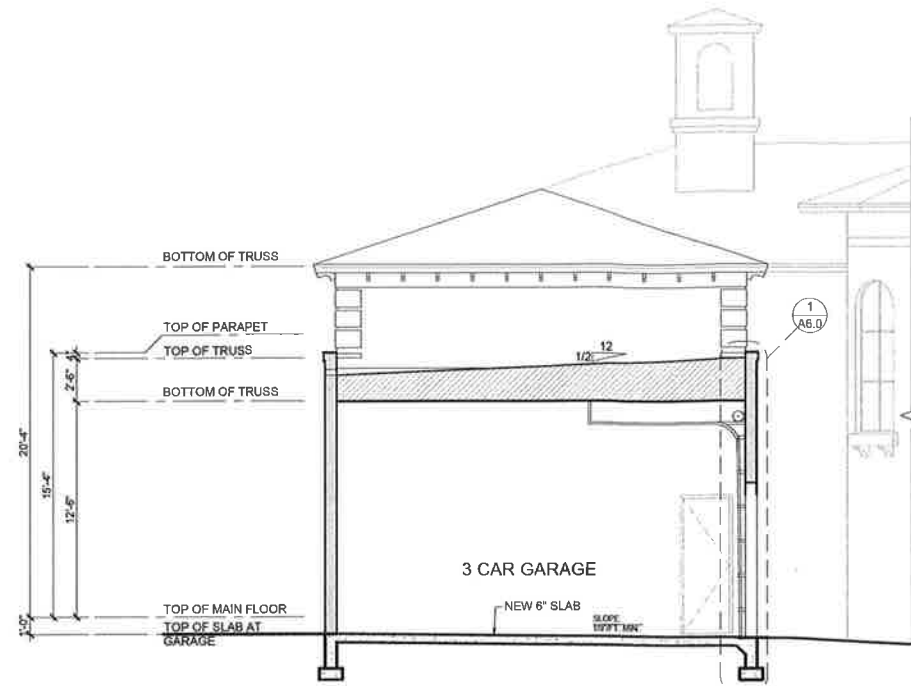
#	DATE	DESCRIPT.
10/12/22		FOR PERMIT

**DATA:**  
DESIGNER:  
PHIL/  
ERNESTO  
DRAWN BY:  
SUNSHINE

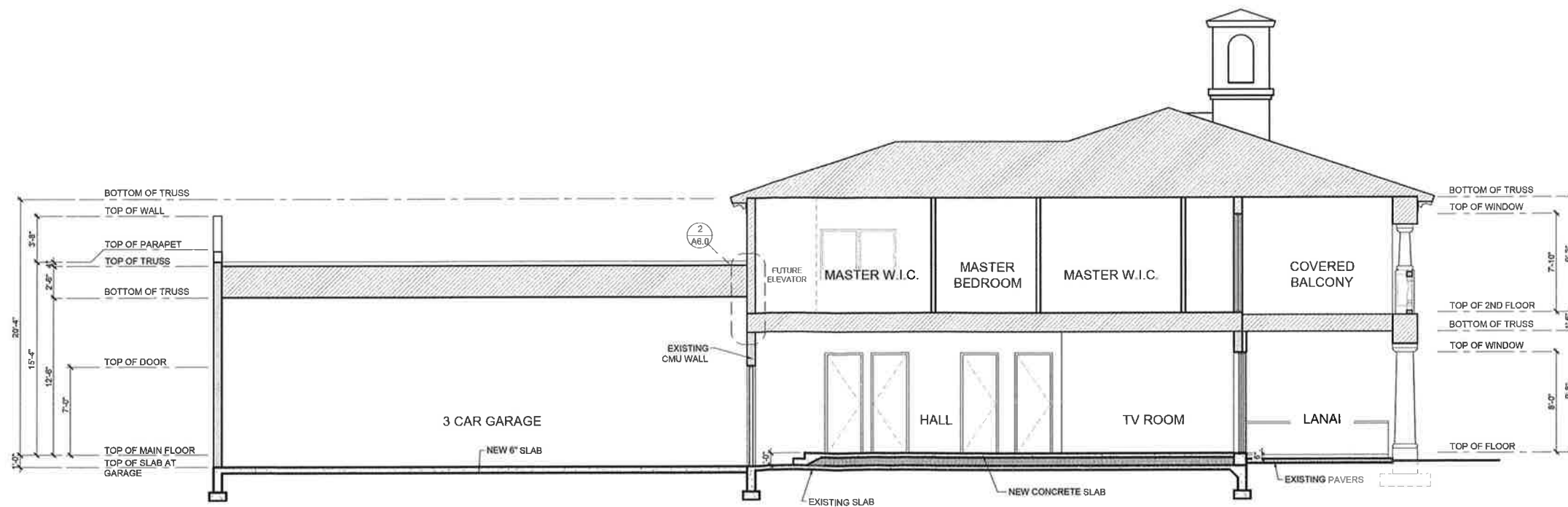
**SHEET DESCRIPTION:**  
LEFT AND RIGHT  
ELEVATIONS

**SHEET NUMBER**

**A4.1**



**A BUILDING SECTION**  
SCALE: 1/4" = 1'-0"



**B BUILDING SECTION**  
SCALE: 1/4" = 1'-0"

ARCHITECT



PHIL KEAN  
ARCHITECTURE  
CONSTRUCTION  
INTERIORS

811 W. F. ...  
www.philkean.com

PROJECT:

**ALPIZAR RESIDENCE**  
401 Atlantic Street, Melbourne Beach, FL, 32951

PLAN HISTORY

#	DATE	DESCRIPT.
1	10/12/22	FOR PERMIT

DATA:

DESIGNER:  
PHIL/  
ERNESTO  
DRAWN BY:  
SUNSHINE

SHEET DESCRIPTION:

BUILDING SECTIONS

SHEET NUMBER

**A5.0**



**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: NORTH SIDE OF SURF RD WEST OF A1A

Address: 214 SURF RD

Parcel Number(s): 2848079

Area (in acreage): .29 Area (in square feet): 12500

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Current Future Land Use: \_\_\_\_\_ Proposed Future Land Use: \_\_\_\_\_

Brief Description of Application: TO REMODEL AN EXISTING HOME

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



**IV. APPLICANT INFORMATION:**

Property Owner

Name: ADAM MEYER  
Address: 214 SURF RD  
MELB BCH, FL

Phone: 321-960-9997  
Fax: —  
Email: ADAM.Z.MEYER@GMAIL.COM

Applicant (if other than property owner)

Name: MICHAEL MAGUIRE  
Address: 18 MARZNA ISLES BLVD  
INB, FL 32937

Phone: 321-626-8186  
Fax: —  
Email: MM@395EASTLLC.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: [Signature]  
Print Name: ADAM MEYER

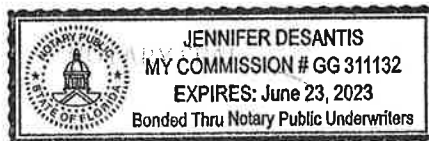
Date: 2/2/2023  
Title: OWNER

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me  
this 2nd day of February, 2023 by Adam Meyer  
who is/are personally known to me, or who has/have produced \_\_\_\_\_  
as identification.

Jennifer Desantis  
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.

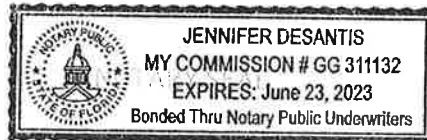
Signature: *Michael E. Maguire* Date: 2/2/23  
Print Name: MICHAEL E. MAGUIRE Title: APPLICANT

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 2nd day of February, 2023, by Michael Maguire who is/are personally known to me, or who has/have produced \_\_\_\_\_ as identification.

*Jennifer Desantis*  
Signature of Notary Public, State of Florida



**VII. PROJECT DESCRIPTION:**

Describe Application: ADD SUNROOM PORCH & EXTEND MASTER BEDROOM

Provide attachment if more space is needed.

Describe Existing Conditions: \_\_\_\_\_

Provide attachment if more space is needed.



# 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:** 2-8-23

**Owner:** Adam Meyer

**Owner Address:** 214 Surf Rd.

**Site Address** 214 Surf Rd. Melbourne Beach Fl.

**Parcel ID:** 28-38-08-FZ-36-5

**Zoning:** Zoning District 2RS

**Project:** Interior remodel and addition.

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

**Request:** Approval by the Planning and Zoning Board and the Town Commission for: Addition.

### Staff Review:

- 1). The project is interior remodel and addition to rear of residence.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
  - Lot area is 12,500 sq. ft. (min. 11,250 sq. ft.)
  - Lot width is 100' (min. 90 ft.)
  - Lot depth is 125' (min. 100 ft.)
- 3). Lot coverage has a maximum of 30% for principle structure.
  - Lot coverage per plan is: 3,834
  - Footprint of Primary Structure is 3,254 sq. ft. with the addition.
  - Max allowed for Primary Structure is 3,750 sq. ft. for Lot Area of 12,500 sq. ft.
  - Minimum pervious area per lot is 30%. Pervious area is 69.3%
- 4). Structure maximum height for zoning district is 28 ft.
  - The proposed height provided is 14'10 ¼" from FFE.
  - Flood Zone :   X

**5). Zoning District Setback requirements**

<b>Proposed Primary Structure Rear Setback is 49.17"</b>	<b>(min. 25 ft.)</b>
<b>Proposed Primary Structure Front Setback is 25'</b>	<b>(min. 25 ft.)</b>
<b>Proposed Primary Structure West Side Setback 15.77"</b>	<b>(min. 15 ft.)</b>
<b>Proposed Primary Structure East Side Setback 17.51"</b>	<b>(min. 15 ft.)</b>

**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**

## 214 Surf Rd.

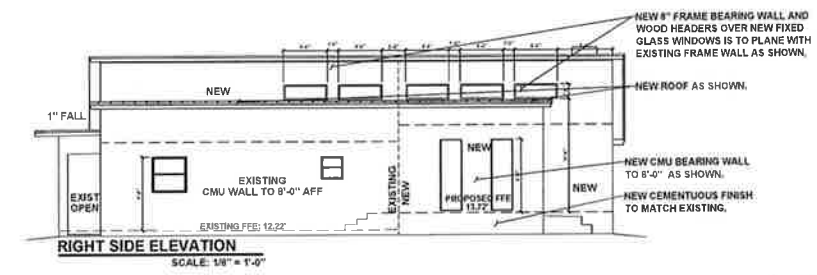
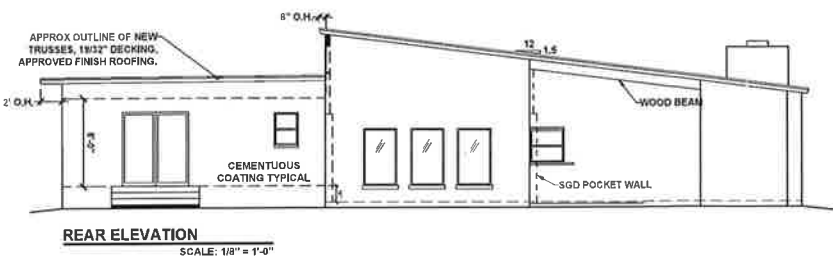
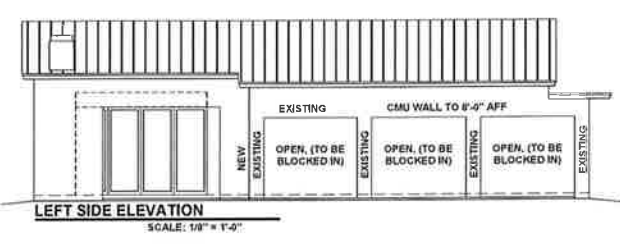
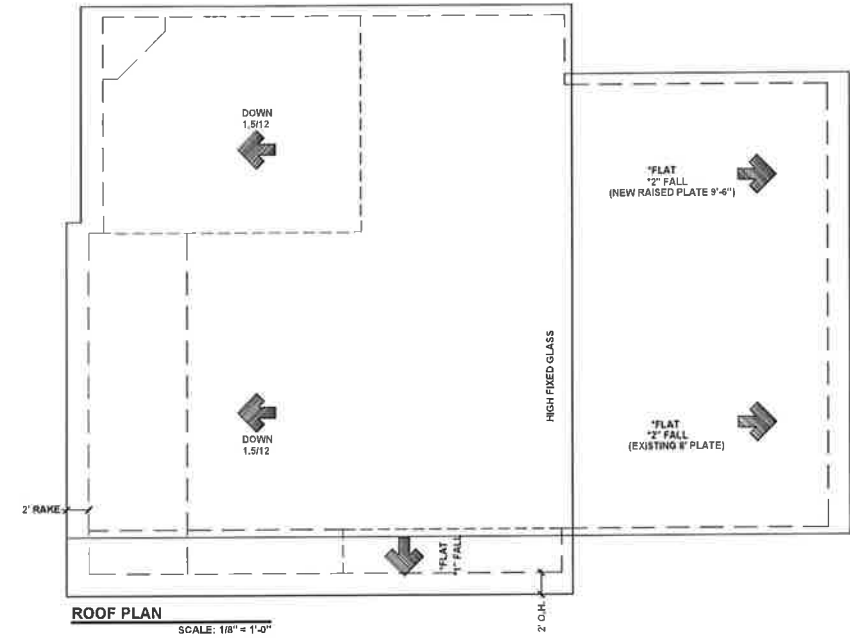
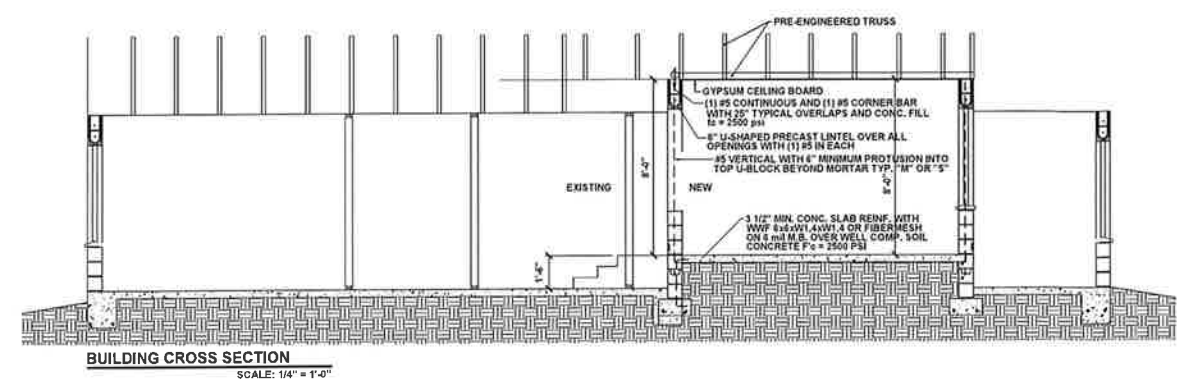
<b>IMPERVIOUS</b>		<b>PERVIOUS</b>	
Primary Structure	3,254	Shed space	8,666
Pool		Open areas	
Decks		Other	
Driveway	580		
Accessory Bldg			
Concrete areas	69	<b>TOTAL PERVIOUS</b>	<b>8,666</b>
Paver areas, Driveway			
Other			
<b>TOTAL IMPERVIOUS</b>	<b>30.70%</b>	<b>Lot Total Sq Footage</b>	<b>12,500</b>
		<b>TOTAL % PERVIOUS</b>	<b>69%</b>

REVISION 0:  
05FEB2023

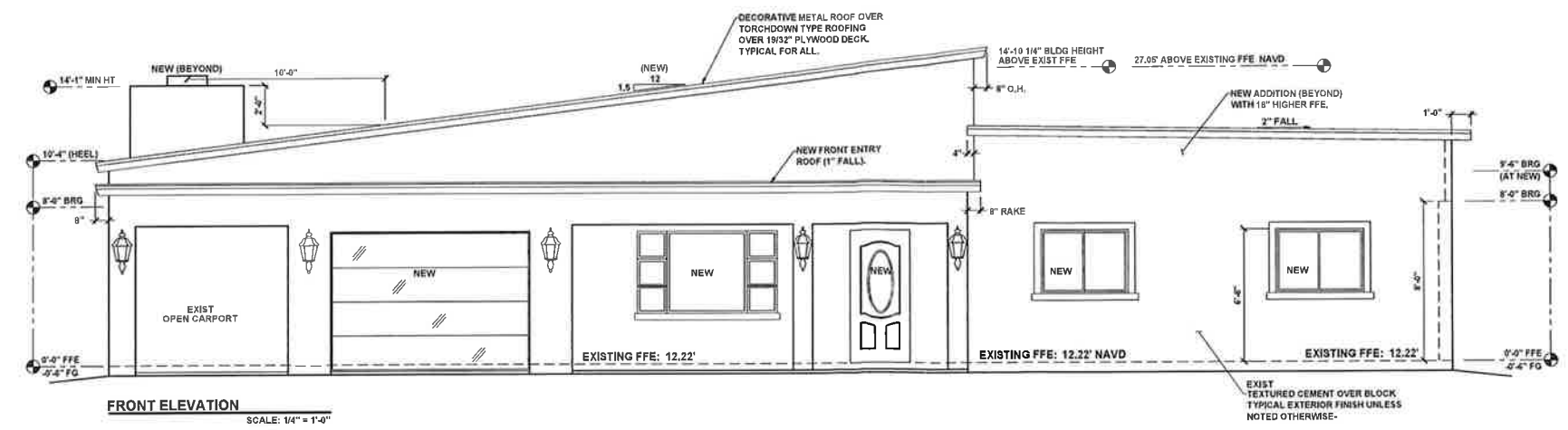
REV	DATE	DESCRIPTION

OWNERS:  
**MIKE MAGUIRE**  
**JIM SANGALO**  
18 MARINA ISLES BLVD  
INDIAN HARBOR BEACH, FL 32937

THESE PLANS HAVE BEEN DESIGNED TO MEET OR EXCEED THE MINIMUM DESIGN LOADS OF THE RESIDENTIAL SEVENTH EDITION 2020 FLORIDA BUILDING CODE FOR 100 MPH WINDLOADS.



- TYPICAL ELEVATION NOTES:**
1. 1'-0" OVER PANEL AND 1" MAX RAKE (SABLE) UNLESS NOTED OTHERWISE.
  2. PROVIDE TEXTURED CEMENT FINISH PER ASTM C 926 OVER EXTERIOR BLOCK WALL CONSTRUCTION. SEE CONSTRUCTION DETAILS. NOTE THAT FINISHES CALLED "TEXTURED CEMENT" ARE 2 COAT TEXTURED CEMENT PER ASTM C 926 AND FBC 910.5. NOTE THAT FINISHES CALLED "STUCCO" ARE 3 COAT STUCCO FINISH OVER FRAME CONSTRUCTION. STUCCO FINISHES ARE TO RECEIVE CONTROL JOINTS AT EVERY 144 SQUARE FEET. CONTROL JOINTS TO COMPLY WITH FBC 910.5.
  3. PROVIDE R-19 MINIMUM INSULATION AT ROOF ATTIC FLOORS WHERE HABITABLE SPACE IS BELOW PER FBC 2020 ENERGY CONSERVATION SECTION 503.
  4. ROOF SHINGLES OVER SELF-ADHESIVE UNDERLAYMENT OVER EXTERIOR ROOF SHEATHING. SEE CONSTRUCTION DETAILS.
  5. ALL ROOF STRUCTURE MEMBERS, INCLUDING SCREW, FLASHING, DRIP EDGE, WEATHER BARRIERS, SHINGLE, TILE, AND METAL SHEATHING, SHALL BE INSTALLED IN COMPLIANCE WITH FBC-R.
  6. UNDERLAYMENT TO COMPLY WITH 1807.2.3 FBC, 1807.2.3.3 FBC-R & (SEE PER ASTM D 24 TYPE 8 OR ASTM D 484 TYPE 8 OR ASTM D 472).
  7. ASPHALT SHINGLES TO COMPLY WITH 1807.2.5 FBC, 1807.2.5.3 FBC-R & ASTM D 225 OR ASTM D 3462 ATTACHMENT SHALL CONFORM TO ASTM D 3161 OR MOC 17425.
  8. FLASHING TO COMPLY WITH FBC 1807.2.5.3, FBC 1807.2.5.3.3.
  9. DRIP EDGE TO COMPLY WITH FBC 1807.2.5.3, FBC 1807.2.5.3.3.
  10. ALL ROOF CRACKS TO BE A MINIMUM OF 5/16" WICH.
  11. NON-VENTED ATTIC TO COMPLY WITH 1806.5 OF THE FBC-R. AIR PERMEABILITY OF INSULATION PER ASTM 283.



FOR OFFICIALLY ISSUED DOCUMENTS ONLY. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.  
NOT VALID WITHOUT SEAL AND SIGNATURE STRUCTURAL ONLY

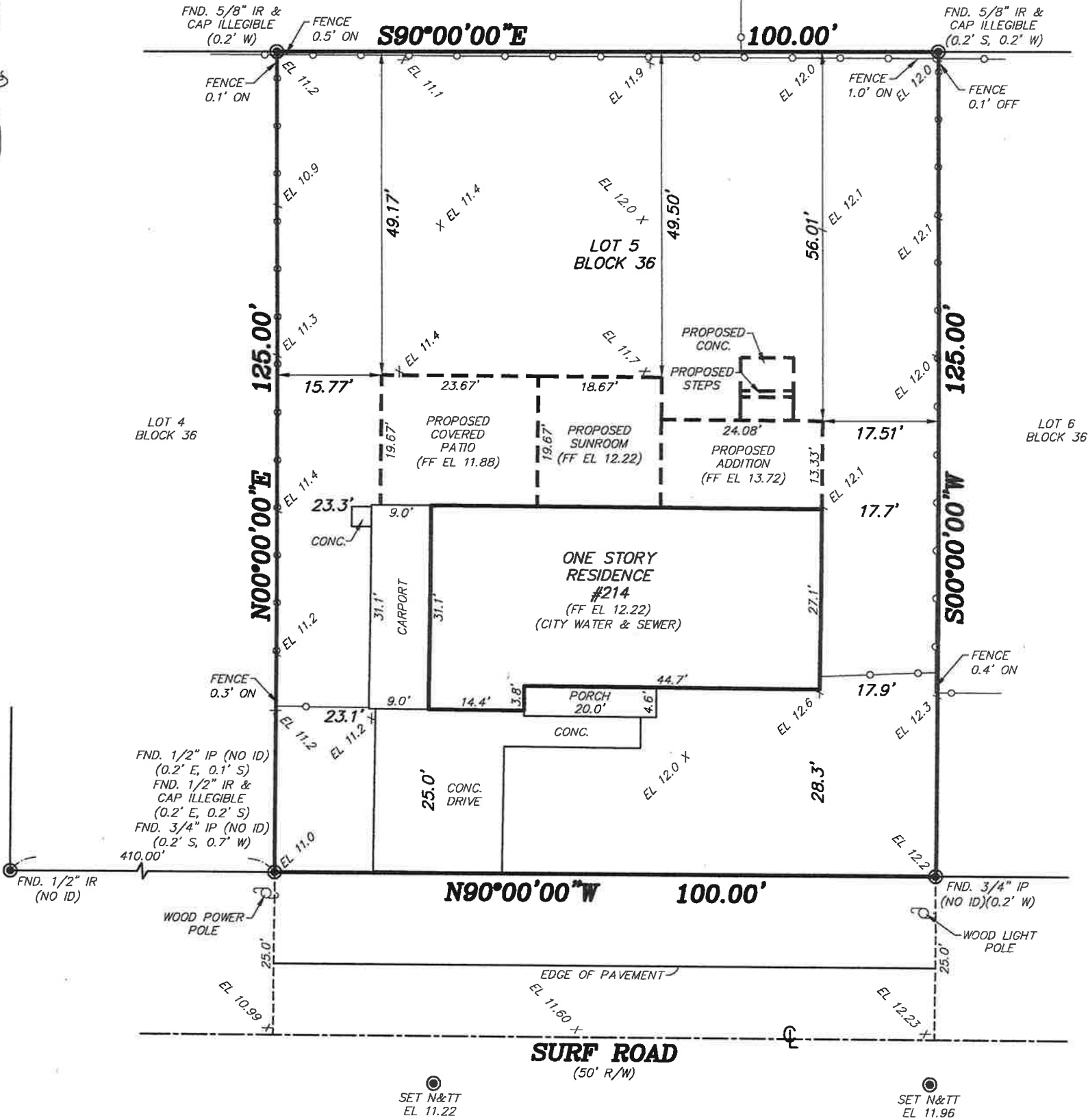
CUSTOM REMODEL FOR:  
**MEYER / ADKINSON-COWLES**  
EXTERIOR ELEVATIONS,  
ROOF PLAN  
214 SURF ROAD  
MELBOURNE BEACH, FL 32951

**SHEET:**  
**A2**

WILCOX SUBDIVISION  
(PLAT BOOK 1, PAGE 58)



ORANGE STREET



SURVEY PREPARED FOR:  
MICHAEL MAGUIRE  
KIMBERLY LYNN ADKINSON-COWLES AND ADAM Z. MEYER

DESCRIPTION: LOT 5, BLOCK 36, ROMAC SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 53A, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

# AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO F.I.R.M. #12009C 0616 H, DATED JANUARY 29, 2021 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.

TYPE OF SURVEY:  
BOUNDARY

SCALE: 1" = 20'

PLOT PLAN: 01-03-23

UPDATE/TOPOGRAPHIC: 06-16-22

FIELD DATE: 01-27-03

SECTION 08,  
TOWNSHIP 28 SOUTH,  
RANGE 38 EAST

PROJECT #9518

**GENERAL NOTES:**

1. 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.
2. 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.
3. 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.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. 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.
6. BEARINGS ARE BASED ON AN ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
9. "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](mailto: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
- 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



# 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: \_\_\_\_\_

Address: 210 2ND AVE MELB. BEACH FL.

Parcel Number(s): LOT 16917 BLOCK 7 W/1028 PLAT

Area (in acreage): 0.413 Area (in square feet): 200 432 A

Current Zoning: RES. Proposed Zoning: \_\_\_\_\_

Current Future Land Use: \_\_\_\_\_ Proposed Future Land Use: \_\_\_\_\_

Brief Description of Application: ADDING A 18'x24' POOL CABANA

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



**IV. APPLICANT INFORMATION:**

Property Owner

✓ Name: CHARLES SCOTT NEELY

Phone: 954 257 1007

Address: 210 2ND AVE

Fax: N/A

Email: CHARLES.S.NEELY@GMAIL.COM

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: \_\_\_\_\_

✓ Date: 1/6/23

✓ Print Name: CHARLES SCOTT NEELY

Title: N.A.

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 6 day of January, 2023 by Charles Neely who is/are personally known to me, or who has/have produced FLDL as identification.

Amber L. Brown  
Signature of Notary Public, State of Florida



AMBER L. BROWN  
Commission # HH 202131  
Expires December 4, 2025

**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.

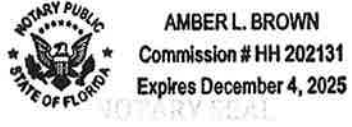
✓ Signature: [Handwritten Signature] Date: 1/6/23  
✓ Print Name: CHARLES SCOTT NEELY Title: OWNER

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me this 6 day of January, 2023 by Charles Neely, 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: BUILD A 24' x 18' POOL CABANA

Provide attachment if more space is needed.

? Describe Existing Conditions: \_\_\_\_\_

Provide attachment if more space is needed.



# 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:** 2-8-23

**Owner:** Scott Neely

**Owner Address:** 210 Second Ave. Melbourne Beach Fl.

**Site Address:** Same.

**Parcel ID:** 28-38-08-FY-7-16

**Zoning:** Zoning District 3RS

**Project:** Cabana accessory Structure.

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

**Request:** Approval by the Planning and Zoning Board and the Town Commission for

### Staff Review:

- 1). The project is an Accessory Structure to Primary.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
  - Lot area is 18,000 sq. ft. (min. 10,000 sq. ft.)
  - Lot width is 120.17 (min. 90 ft.)
  - Lot depth is 150.26 (min. 100 ft.)
- 3). Lot coverage has a maximum of 30% for principle structure.
  - Lot coverage per plan is: 15.9%
  - Footprint of Primary Structure is 2,867 sq. ft. with the addition.
  - Max allowed for Primary Structure is 5,400 sq. ft. for Lot Area of 18,000 sq. ft.
  - Minimum pervious area per lot is 30%. Pervious area is 66%
- 4). Structure maximum height for zoning district is 28 ft.
  - The proposed height provided is 14'11" from FFE.
  - Flood Zone:   X

**5). Zoning District Setback requirements**

<b>Proposed Primary Structure Rear Setback is 26Ft.</b>	<b>(min. 25 ft.)</b>
<b>Proposed Primary Structure Front Setback is 100 Ft.</b>	<b>(min. 25 ft.)</b>
<b>Proposed Primary Structure West Side Setback is 15"8"</b>	<b>(min. 15 ft.)</b>
<b>Proposed Primary Structure East Side Setback is 86 Ft.</b>	<b>(min. 15 ft.)</b>

**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.**

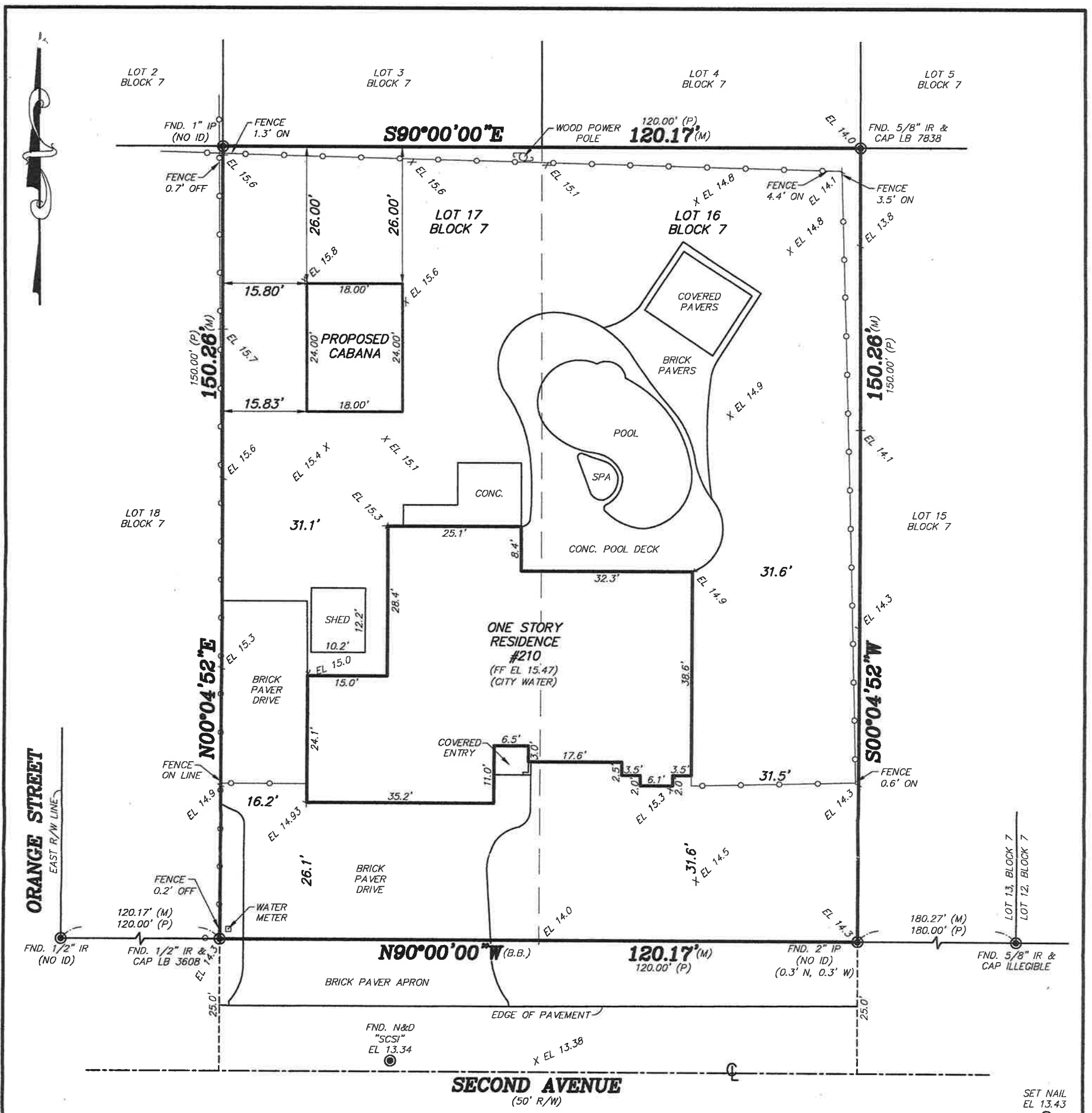
**Based on the above review, I find the proposed site plan for the referenced property is in compliance with The Town of Melbourne Beach Code of Ordinances.**



**Robert Bitgood  
Building Official**

**210 Second Ave.**

<b>IMPERVIOUS</b>		<b>PERVIOUS</b>	
Primary Structure	2,867	Shed space	
Pool	680	Open areas	11,860
Decks		Other	
Driveway			
Accessory Bldg			
Concrete areas	848	<b>TOTAL PERVIOUS</b>	<b>11,860</b>
Paver areas, Driveway	2,425		
Other			
<b>TOTAL IMPERVIOUS</b>	<b>34.00%</b>	<b>Lot Total Sq Footage</b>	<b>18,000</b>
		<b>TOTAL % PERVIOUS</b>	<b>66%</b>



**SURVEY PREPARED FOR:**  
**CHARLES SCOTT NEELY AND CONSTANCE ANN NEELY**

**DESCRIPTION: LOTS 16 AND 17, BLOCK 7, WILCOX PLAT OF MELBOURNE BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 58, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.**

**PROJECT BENCHMARK**  
 BREVARD COUNTY BENCHMARK 7080A42RM1  
 3.5" FDOT BRASS DISK IN BULL NOSE  
 STAMPED "70 80 A42 REF MK 1"  
**EL 15.68 (NAVD 88)**  
 EL 17.11 (NGVD 29)

# AAL LAND SURVEYING SERVICES, INC.

<p>ACCORDING TO F.I.R.M. #12009C 0605 H, DATED JANUARY 29, 2021 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X.</p>
<p><b>TYPE OF SURVEY:</b>                  BOUNDARY</p>
<p><b>SCALE:</b> 1" = 20'</p>
<p><b>PLOT PLAN:</b> 02-03-23</p>
<p><b>FIELD DATE:</b> 01-26-23</p>
<p>SECTION 08,                  TOWNSHIP 28 SOUTH,                  RANGE 38 EAST</p>
<p><b>PROJECT #48264</b></p>

**GENERAL NOTES:**

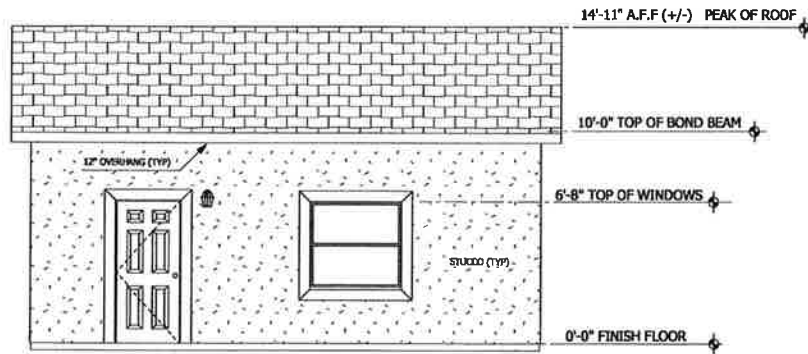
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- THIS SURVEY AND DRAWING IS FOR THE SOLE USE AND BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE AS NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
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- NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
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**3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623**  
**PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com**

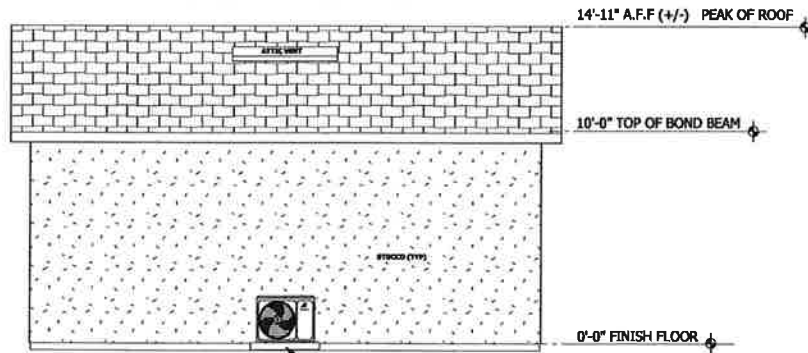
**ANDREW W. POWSHOK**  
 P.L.S. No. 5383

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

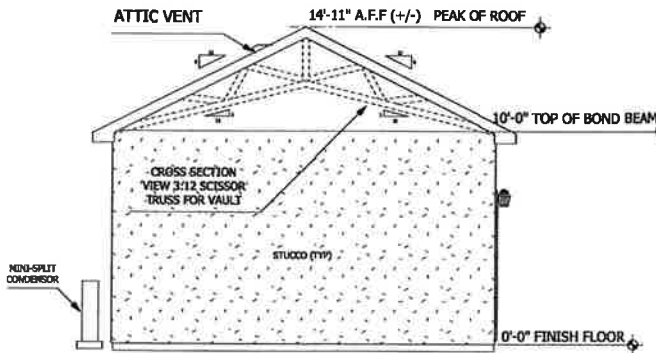
LEGEND	
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B.S.L.	BUILDING SETBACK LINE
CB	CHORD BEARING
CH	CHORD LENGTH
CL	CENTERLINE
C.M.	CONCRETE MONUMENT
C.M.P.	CORRUGATED METAL PIPE
CONC.	CONCRETE
(D)	DEED
D	DELTA
D.E.	DRAINAGE EASEMENT
EL	ELEVATION
EP	EDGE OF PAVEMENT
FF	FINISH FLOOR
FND	FOUND
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



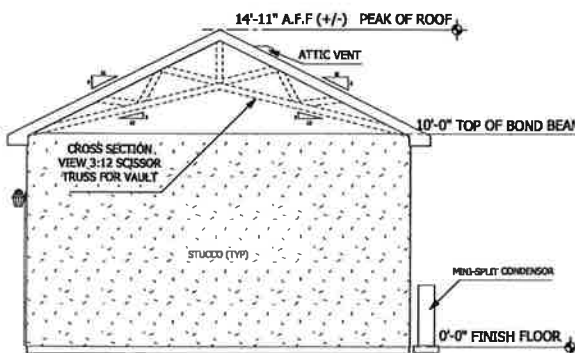
**FRONT ELEVATION**



**REAR ELEVATION**



**LEFT ELEVATION**



**RIGHT ELEVATION**

**SCHEDULE OF DRAWINGS**

- A-1 . . . . . ELEVATIONS
- A-2 . . . . . FLOOR & ELECTRICAL PLANS
- A-3 . . . . . FOUNDATION & STRUCTURAL NOTES

**SCHEDULE OF AREA (SQ. FT.)**

MAIN LIVING AREA	432
<b>TOTAL</b>	<b>432</b>

**JURISDICTION:** Melbourne Beach, Florida

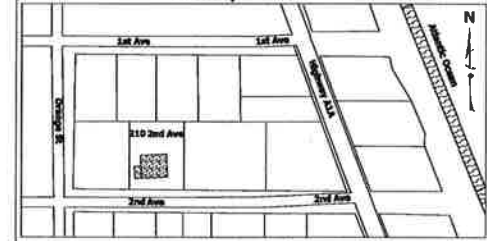
BUILDING CODE: FBC RESIDENTIAL 2020 (Edition 7)  
 PROJECT ADDRESS: 210 2nd Avenue, Melbourne Beach, FL  
 PROJECT NAME (BLOCK): Charles Neely Cabana  
 TYPE OF CONSTRUCTION: CBS  
 FLOORS: 1  
 BUILDING DESIGNED: Enclosed  
 WIND SPEED (3 SECOND GUST): 160 MPH  
 EXPOSURE: D  
 IMPORTANCE FACTOR: 1.0  
 INTERNAL PRESSURE COEFFICIENT (ENCLOSED MAIN BUILDING): 0.18 (+/-)  
 MEAN BUILDING HEIGHT: 12'-6" FEET  
 OVERHANG: 12" ROOF PITCH: 6:12  
 COMPONENTS & CLADDING WIND PRESSURE: +38.3 / -43.5  
 ROOF DEAD LOAD: 7  
 FRAMED FLOOR LIVE LOAD: 0/0 PSF DEAD LOAD: 0/0 PSF  
 RAIN GUTTERS: Optional  
 SHUTTERS: No  
 IMPACT RESISTANT ASSEMBLY: Yes

**EXTERIOR FINISH NOTES**

1. EXTERIOR: TWO COATS STUCCO OVER TYVEK STUCCO WRAP.
2. TEXTURE MUST BE PRE-APPROVED AND CONSISTENT THROUGHOUT.
3. STUCCO BANDS; 5" AROUND DOOR AND WINDOW.

**PROXIMITY MAP**

210 2nd Avenue, Melbourne Beach



Greenhart Properties  
 3144 Coble Lane  
 Cocoa Beach, FL 32909  
 321.863.1600



Creating Environmentally Sound Design

**Charles Neely Cabana**  
 210 2nd Avenue  
 Melbourne Beach, FL 32951

THIS DESIGN VALID ONLY WITH ENGINEER'S BASED SEAL AND SIGNATURE.

ED SHINSKIE  
 FLORIDA P.E. #41515  
 4704 WILD TURKEY ROAD  
 MIAMI, FL 32254  
 321-863-3223

GARAGE: N/A  
 C.L.G. HT.: 10'-0"  
 JOB#: G-2103

**ELEVATIONS**

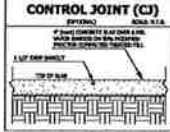
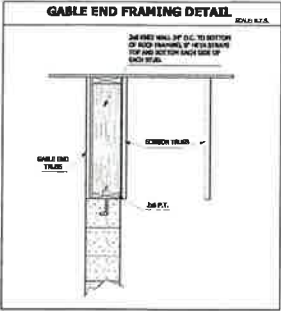
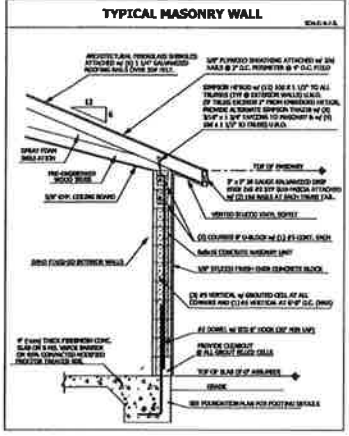
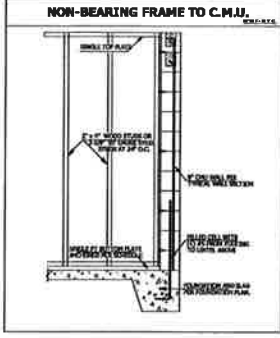
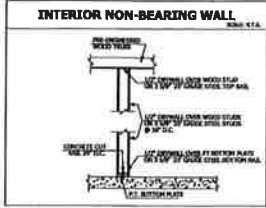
DATE: 12-Nov-2023  
 ARCHITECTURAL DESIGNER: Jerry Nicholas  
 REVISION:

SCALE: 3/8" = 1"

**A-1**

SHEET DATE: 12-Nov-2023

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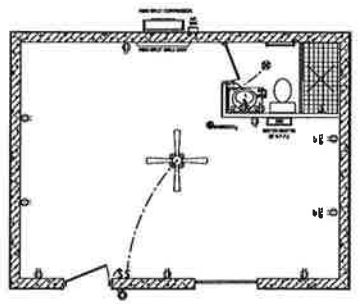
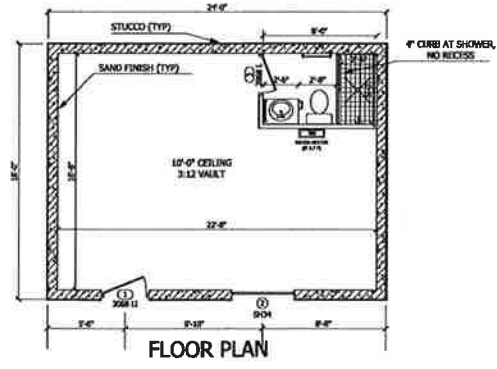


**LINTEL BEAM SCHEDULE**

TABLE	LENGTH	SIZE	TYPE	ALLOWABLE WEIGHT	ALLOWABLE UPLIFT	REMARKS
L-8	8'-0"	4'-0"	819-1011	130	308	2-#3 REBAR
L-8	4'-0"	2'-0"	819-1011	178	867	2-#3 REBAR

**8" PRECAST DOOR LINTELS (w/ 2" RECESS)**

L-8	4'-0"	2'-0"	819-1011	178	867	2-#3 REBAR
-----	-------	-------	----------	-----	-----	------------



ELECTRICAL	COUNT	SYMBOL
AC - Disconnect	1	⊖
Bathroom - Fan	1	⊕
Bathroom - Fan Light	0	⊕
Ceiling Fan/Light	1	⊕
Electrical Meter 200a	0	⊖
Electrical Panel 200a	0	⊖
Light - Couch	1	⊕
Light - Fluorescent 1x4	0	⊕
Light - Pot Light	0	⊕
Light - Vanity - 24	1	A.R.S.S.
Light - Exit Wall	0	⊕
Outlet - 20amp	0	⊕
Outlet - AFCI	0	⊕
Outlet - GFCI 20amp	0	⊕
Outlet - GFCI 42"	3	⊕
Outlet - GFCI WP	0	⊕
Outlet - TYP	7	⊕
Smoke Detector (AFCI)	0	⊕
Smoke/CO2 Combo	1	⊕
Switch	4	⊕
Water Heater	1	⊕

Greenhart Properties  
321.228.1500  
321.228.1500

**Charles Neely Cabana**  
210 2nd Avenue  
Melbourne Beach, FL 32951

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ED SHINSKIE  
FLORIDA P.E. #47515  
404 WILD TURKEY ROAD  
MIAMI, FL 33154  
321-863-3223

GARAGE: N/A  
CLG. HT.: 10'-0"  
JOB#: G-2303

SHEET TITLE:  
**FLOOR PLAN & ELECTRICAL**  
DATE: 12-Jan-2023  
ARCHITECTURAL DESIGNER:  
Jerry Nicholas

REVISIONS:

SCALE: 1/4" = 1'  
SHEET NUMBER:  
**A-2**

DATE: 12-Jan-2023

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CONCRETE MASONRY SPECS.

- 1. Grout (2500 psi @ 28 day strength) and type "M" mortar in concrete masonry walls shall comply with the requirements of Standard Specification for Mortar and Grout for Reinforced Masonry, ASTM C778.
2. Concrete masonry units shall comply with the requirements of ASTM C90 and C140 for hollowed end load bearing units and shall have compressive strength of 1,500 p.s.i. on the net area.
3. Provide clean-out holes at bottom of walls for inspection and cleaning dust, dirt, mortar droppings, loose pieces of masonry and other foreign materials from great spaces. Clean reinforcement and adjust to proper position. After final cleaning and inspection close clean-out holes and brace to resist grout pressure.
4. All cells containing reinforcing shall be grouted. Vertical reinforcing in concrete masonry shall extend into the floor slabs, at the top of the wall, provide minimum 4"x4" opening at U block for Vertical Bar.
5. All CMU shall comply with 2020 FBC, 7th Edition, Chapter 44 FW12.

REINFORCING SPECIFICATIONS

- 1. All reinforcing steel shall be Grade 60. (60,000 ksi yield strength)
2. All reinforcement splices shall be in accord with ACI 318, chapter 12.
3. All reinforcement steel shall be accurately placed, rightly supported and firmly tied in place with bar supports and spacers in accordance with the requirements of ACI 301 and ACI 318.
4. Welded Wire Mesh rebar shall conform to ASTM A 185-79 and be located in the center of depth and lapped minimum 6" ends and sides. (Stirrups and Driveways shall be reinforced with Welded Wire Mesh).
5. All accessories shall have upturned legs and be plastic dipped after fabrication. Accessories for reinforcing shall be in accordance with ACI 315, current edition.
6. Horizontal wall reinforcing shall be standard class "Dun-O-Wal" 9 gauge galvanized Ladder type or approved equal at 16" vertical centers.
7. For concrete beams, lap top bars at mid spans and bottom bars over the supports.

CO-ORDINATION

- 1. These notes shall apply except where otherwise indicated by Drawings.
2. Where a detail is shown for one condition, it shall apply for all like or similar conditions even though not specifically marked on the Drawings.
3. General Contractor must verify all dimensions and conditions, confirm them with Shop Drawings and report any discrepancies to Structural Engineer prior to proceeding with the work.
4. See Floorplans, Mechanical, Plumbing and Electrical Drawings for size and location of openings in the structure not shown on the structural plans. Check for sleeves, anchors and inserts. Approval must be obtained from the Engineer prior to fabrication of the steel and placement of concrete for any openings not shown on the structural drawings.
5. Adequate vertical and horizontal shoring shall be provided to safely support all construction loads during the construction period.
6. General Contractor shall protect existing facilities and structures and utility lines from all damage.

LUMBER GRADE

- 1. All Wood members shall be a minimum of #2 SYP.

CONTROL JOINT NOTES

- 1. Control joints in concrete are recommended by the engineer of record. Elimination of the control joints cut in concrete will be at the discretion and liability of the builder/owner.

CONCRETE SLAB ON FILL

- 1. All slabs on fill shall be placed on clean non-organic fill.
2. Fill shall be thoroughly stabilized.
3. Control joints (one row) shall be spaced at 12'-0" centers maximum to form near square panels. Joints may be formed in the plastic concrete or saw after the concrete has hardened.
4. Formed joints may be constructed by installing a parting strip to be left in place or by depressing an approved but into the plastic concrete. Slab on grade shall be saw cut to a depth of 1/3 of the thickness of the slab.

Table with columns: COMPONENT AND CLADDING WIND PRESSURES, AREA, ZONE, PRESSURE, and TRIBUTARY AREA (SQ. FT.) with values for 10, 20, 50, 100, 200, 500.

CONCRETE SPECIFICATIONS

- 1. Structural concrete shall attain a minimum compressive strength in 28 days as follows:
- Footing/Slab on grade: 2,500 p.s.i.
- Elevated beams: 3,000 p.s.i. Pump Mix
2. Aggregate shall be clean and well graded - maximum size 3/4".
3. Use regular weight concrete for all structural members. (145 PCF minimum).
4. All conduits, sleeves and pipes embedded in concrete shall conform to section 5.3 of ACI 318 and the following: Sleeve all pipes through slabs individually unless approved by Engineer.
5. Reinforcing Bar Cover: (Dimensions shown are clear dimensions.)

Table for Reinforcing Bar Cover with columns: MINIMUM CONCRETE COVER, IN., and rows for Concrete Cast against & permanently exposed to earth, Concrete exposed to earth or weather, Slabs, Walls, Joist, Beams, Columns, Conc. not exposed to weather or in contact w/ ground.

- 6. MASONRY CONSTRUCTION - (FBC R4402.5.1 & R4402.5.3)
All masonry construction shall be in conformance with the provisions of Building Code Requirements for Masonry Structures (ACI 530-02) ASCE 5-02 and are hereby adopted as a minimum; however, the requirements of the standard shall not supersede the specific requirements of this section. The design of buildings and structures of reinforced unit masonry shall be by a professional engineer or registered architect.

GENERAL STRUCTURAL NOTES

GENERAL

- 1. THESE GENERAL NOTES ARE TO BE READ IN CONJUNCTION WITH THE NOTES ON OTHER STRUCTURAL DRAWINGS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2020 FLORIDA BUILDING CODE, 7th EDITION.

ROOF PLAN NOTES:

- 1. STRUCTURAL LUMBER TO BE DETAILED, FABRICATED AND BRACKET PER ATTIC TIMBER CONSTRUCTION MANUAL AND NDS SPECIFICATION FOR WOOD CONSTRUCTION.
2. LUMBER SHALL BE No 2 SOUTHERN PINE, KILN DRIED, WITH A MAX MOISTURE CONTENT OF 19% (DRY SERVICE, CONDITION) OR EQUIVALENT.
3. ROOF DECK SHALL BE 5/8" CDX STRUCTURAL 1 PLYWOOD FIXED PER THE FLORIDA BUILDING CODE.
4. TEMPORARY AND PERMANENT BRACING OF WOOD TRUSSES SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE BRACING OF WOOD TRUSSES BY THE TRUSS PLATE INSTITUTE.
5. CONTRACTOR TO PROVIDE TEMPORARY AND PERMANENT BRACING FOR TRUSSES.
6. TRUSS PLATES SHALL BE OF GALVANIZED STEEL, AND SHALL BE APPLIED TO BOTH SIDES OF THE MEMBERS BEING CONNECTED.
7. DEFLECTION OF TRUSSES SHALL BE AS FOLLOWS:
LIVE LOAD DEFLECTION SPAN/360
8. BRACING OF ROOF TRUSSES ON MASONRY WALLS SHALL BE TO THE CENTERLINE OF THOSE MASONRY WALLS.
9. ALL TIMBER EXPOSED TO THE WEATHER AND/OR BEARING ON CONCRETE OR MASONRY SHALL BE TREATED PER THE AMERICAN WOOD PRESERVATION ASSOCIATION LATEST REQUIREMENTS.
10. WOOD ROOF TRUSSES SHALL BE DESIGNED FOR THE FOLLOWING LOADS, IN ADDITION TO THE WIND LOADS ON DRAWING S2 AND THE SELF WEIGHT OF THE TRUSS:
DEAD LOAD TOP CHORD 15 PSF
DEAD LOAD BOTTOM CHORD 10 PSF
LIVE LOAD TOP CHORD 30 PSF REDUCIBLE
THE MAXIMUM DEAD LOAD RESISTING UP LIFT SHALL BE 30 PSF.
11. TRUSS REACTIONS, FROM TRUSS MANUFACTURER'S CALCULATIONS, SHALL BE USED TO DETERMINE REQUIRED CONNECTOR TO R.C. BEAM USING CONNECTOR SCHEDULES DETAIL ON SHEET S2. PROVIDE TWO GROUTED CMU CELLS TO GIRDER TRUSS BEARING ON CMU WALL.

PLYWOOD ROOF SHEATHING

- 1. PLYWOOD SHALL CONFORM TO CONCEALED APA PERFORMANCE RATED PANELS FOR WALL, ROOF AND FLOOR SHEATHING.
2. ROOF SHEATHING SHALL BE 5/8" STRUCTURAL 1, EXPOSURE 1 SPAN-RATED PANELS.
3. ROOF DIAPHRAGM SHEATHINGS SHALL BE FASTENED AT ZONE 1 AND 2 WITH 8" @ 6" @ EDGES AND 4" @ 12" @ ZONE 3 WITH 8" RING SPACING @ EDGES AND 6" @ FIELD.
4. PROVIDE 2x6 DIAPHRAGM CHORD AROUND PERIMETER OF BUILDING AND ROOF LINES. FASTEN WITH 3-1/2x6 COMMON NAILS.
5. PROVIDE CONTINUOUS BRUCKING AT ROOF EDGES, VALLEYS, CORNERS, EDGES AND ALL PLYWOOD PANEL EDGES.

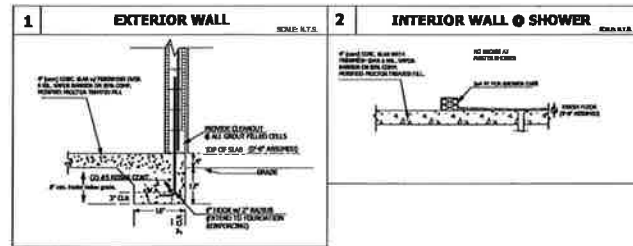
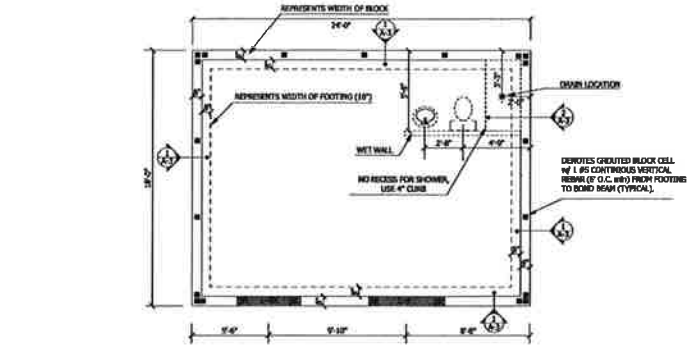
MANUFACTURED METAL CONNECTORS

- 1. PREFABRICATED AND MANUFACTURED METAL CONNECTORS, STRAPS, ANCHORS, TIES AND HANGERS SHALL BE HOT DIPPED GALVANIZED TO CONFORM TO ASTM A-525, GR9 UNLESS OTHERWISE NOTED.
2. PROVIDE SUBSTITUTALS OF ALL ITEMS, OR PROPOSED SUBSTITUTIONS FOR EQUAL APPROVAL. PROVIDE SIZE AND NUMBER OF FASTENERS PER MANUFACTURER RECOMMENDATIONS, UNLESS NOTED OTHERWISE ON PLANS.
3. TRUSS SYSTEM MANUFACTURER MUST SPECIFY AND PROVIDE CONNECTIONS AND ANY ANCHORS OR CONNECTORS REQUIRED TO JOIN TRUSS TO TRUSS.

FOUNDATION PLAN NOTES:

- 1. ALLOWABLE NET SOIL BEARING CAPACITY = 2000 PSF. CONTRACTOR IS TO CONFIRM THIS BEFORE EXCAVATING.
2. WHERE THERE IS A DISCREPANCY BETWEEN DIMENSIONS ON THE CONSTRUCTION DRAWINGS, CONTACT THE ARCHITECTURAL DESIGNER FOR CLARIFICATION BEFORE PROCEEDING.
3. OPTIONAL CONTROL JOINTS IN THE SLAB ON GRADE AT 12 FT MAXIMUM CENTERS. CONTROL JOINTS SHALL FORM SQUARED SLAB PANELS. MINIMUM LAP LENGTH OF REINFORCING STEEL AT SPLICES SHALL BE 32 BAR DIAMETERS MINIMUM UNDO. DO NOT WELD REBAR.
4. WHERE REQUIRED REINFORCING SHALL BE PLACED AT CORNERS IN FOOTINGS, WALLS AND BOND BEAMS TO MAINTAIN CONTINUOUS REINFORCING. THIS APPLIES TO EXTERIOR AND/OR INTERIOR LOAD BEARING CMU WALLS.

Table titled 'LINTEL BEAM SCHEDULE' with columns: LAMB, LAMIN, LAYER, TYPE, QUANTITY, and REMARKS.



FOUNDATION KEY
BLOCK OUTLINE
INSIDE FOOTING EDGE
DOOR & WINDOW OPENING
FILLED CELLS (@ 6' O.C.)
DETAIL MARKER

"BUILDING(S) SHALL HAVE PRE-CONSTRUCTION TERMITES PROTECTION AGAINST SUBTERRANEAN TERMITES IN ACCORDANCE WITH THE RULES AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES." A "CERTIFICATE OF COMPLIANCE" SHALL BE ISSUED TO THE BUILDING DEPARTMENT BY THE LICENSED PEST CONTROL COMPANY PERFORMING THE TREATMENT CONTAINING THE FOLLOWING STATEMENT: THE BUILDING HAS RECEIVED A COMPLETE TREATMENT FOR THE PREVENTION OF SUBTERRANEAN TERMITES. TREATMENT IS IN ACCORDANCE WITH RULE AND LAWS ESTABLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES." (SEE FBC 2020 318.1 FOR TEXT OF "CERTIFICATE OF COMPLIANCE" STATEMENT).

NOTE: ROOF COVER INCLUDING BUT NOT LIMITED TO SHEATHING, NAILING, UNDERLAYMENT, JOINTS, FLASHING, PENETRATIONS, VENTING, TILE AND ATTACHMENT, ROOF ATTACHMENT, ACCESSORIES AND COMPOUNDS SHALL CONFORM TO THE 2020 (7th Edition) FLORIDA BUILDING CODE, WITH REVISIONS, RESIDENTIAL (HIGH VELOCITY HURRICANE ZONE).

Greenhart Properties
21-14 Coble Lane
Cocoa Beach, FL 32909
321.334.1800
Creating Environmentally Aware Designs

Charles Neely Cabana
210 2nd Avenue
Melbourne Beach, FL 32951

THIS DESIGN VALID ONLY WITH ENGINEERS RAISED SEAL AND SIGNATURE.

ED SHINSKIE
FLORIDA P.E. #47515
4704 WILD TURKEY ROAD
MIMS, FL 32754
321-863-3223
GARAGE: N/A
CLG. HT.: 10'-0"
JOB#: G-2303

FOUNDATION & STRUCTURAL NOTES
DATE: 12-Jan-2023
ARCHITECTURAL DESIGNER: Jerry Nicholas
REVISIONS:
SCALE: 1/4" = 1'
SHEET NUMBER: A-3

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**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 checked="" 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: 320 Avenue A, Melbourne Beach, FL 32951

Address: 320 Avenue A, Melbourne Beach, FL 32951

Parcel Number(s): 28-38-08-FW-E-20

Area (in acreage): .24 Area (in square feet): 10,454.4

Current Zoning: SF Proposed Zoning: SF

Current Future Land Use: \_\_\_\_\_ Proposed Future Land Use: \_\_\_\_\_

Brief Description of Application: Build detached garage in the rear of the parcel

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

**IV. APPLICANT INFORMATION:**

Property Owner

Name: Michael Covington

Phone: 321-243-2928

Address: 320 Avenue A

Fax: \_\_\_\_\_

Melbourne Beach, FL 32951

Email: mikec@coservicesllc.com

Applicant (if other than property owner)

Name: CO Services LLC

Phone: 321-243-2928

Address: 12 W Eagle Ave.

Fax: \_\_\_\_\_

Eagle Lake, FL 33839

Email: mikec@coservicesllc.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: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: Michael Covington

Title: Owner

\*Must sign in front of notary.

State of Florida  
County of Brevard.

The foregoing application is acknowledged before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_,  
who is/are personally known to me, or who has/have produced \_\_\_\_\_  
as identification.

\_\_\_\_\_  
Signature of Notary Public, State of Florida

NOTARY SEAL

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.

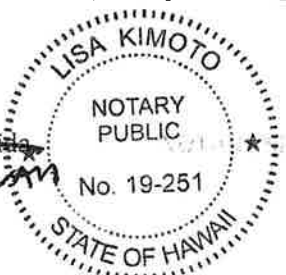
Signature: [Handwritten Signature] Date: 2-10-23  
Print Name: Michael Covington Title: President

\*Must sign in front of notary.

CA  
State of ~~Florida~~ HAWAII  
County of ~~Brevard~~ HONOLULU

The foregoing application is acknowledged before me this 10<sup>th</sup> day of FEBRUARY 2023 by MICHAEL COVINGTON who is/are personally known to me, or who has/have produced DRIVER LICENSE as identification.

[Handwritten Signature]  
Signature of Notary Public, State of ~~Florida~~ HAWAII  
LISA KIMOTO



Doc. Date: 2-10-2023 # Pages 3  
Notary Name: LISA KIMOTO FIRST Circuit  
Doc. Description TOWN OF MELBOURNE BEACH  
DEVELOPMENT APPLICATION  
[Handwritten Signature] 2-10-2023  
Notary Signature Date

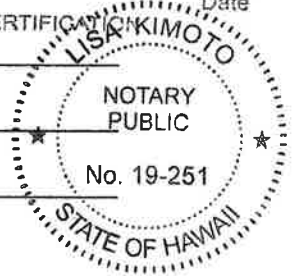
VII. PROJECT DESCRIPTION:

Describe Application: Construct a detached garage in the rear of the parcel

Provide attachment if more space is needed.

Describe Existing Conditions: Single Family Residence

Provide attachment if more space is needed.





# 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: 2-16-2023

Owner: Michael Covington

Owner Address: 320 Ave. A. Melbourne Bch Fl. 32951

Site Address: Same

Parcel ID: 28-38-08-FW-E-20

Zoning: Zoning District 3RS

Project: Proposed accessory garage structure.

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

Request: Approval by the Planning and Zoning Board and the Town Commission for

### Staff Review:

- 1). The project is A Garage accessory structure.
- 2). The Building Lot Zoning District requirements of min. lot area, width and depth.
  - Lot area is 10,500 sq. ft. (Min. 10,000 sq. ft.)
  - Lot width is 70' (min. 90 ft.) Existing non-conforming.
  - Lot depth is 150' (min. 100 ft.)
- 3). Lot coverage has a maximum of 30% for principle structure.
  - Lot coverage per plan is 18%
  - Footprint of Primary Structure is 2,016.4 sq. ft. with the addition.
  - Max allowed for Primary Structure is 3,200 sq. ft. for Lot Area of 10,500 sq. ft.
  - Minimum pervious area per lot is 30%. Pervious area is 82%
- 4). Structure maximum height for zoning district is 28 ft.
  - The proposed height provided is 13'11" from FFE.
  - Flood Zone: X

**5). Zoning District Setback requirements**

Proposed Primary Structure Rear Setback is 16.08" (min. 25 ft.)  
 Proposed Primary Structure Front Setback is 51.6" (min. 25 ft.)  
 Proposed Primary Structure West Side Setback is 16' (min. 15 ft.)  
 Proposed Primary Structure East Side Setback is 16' (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**

**320 Avenue A**

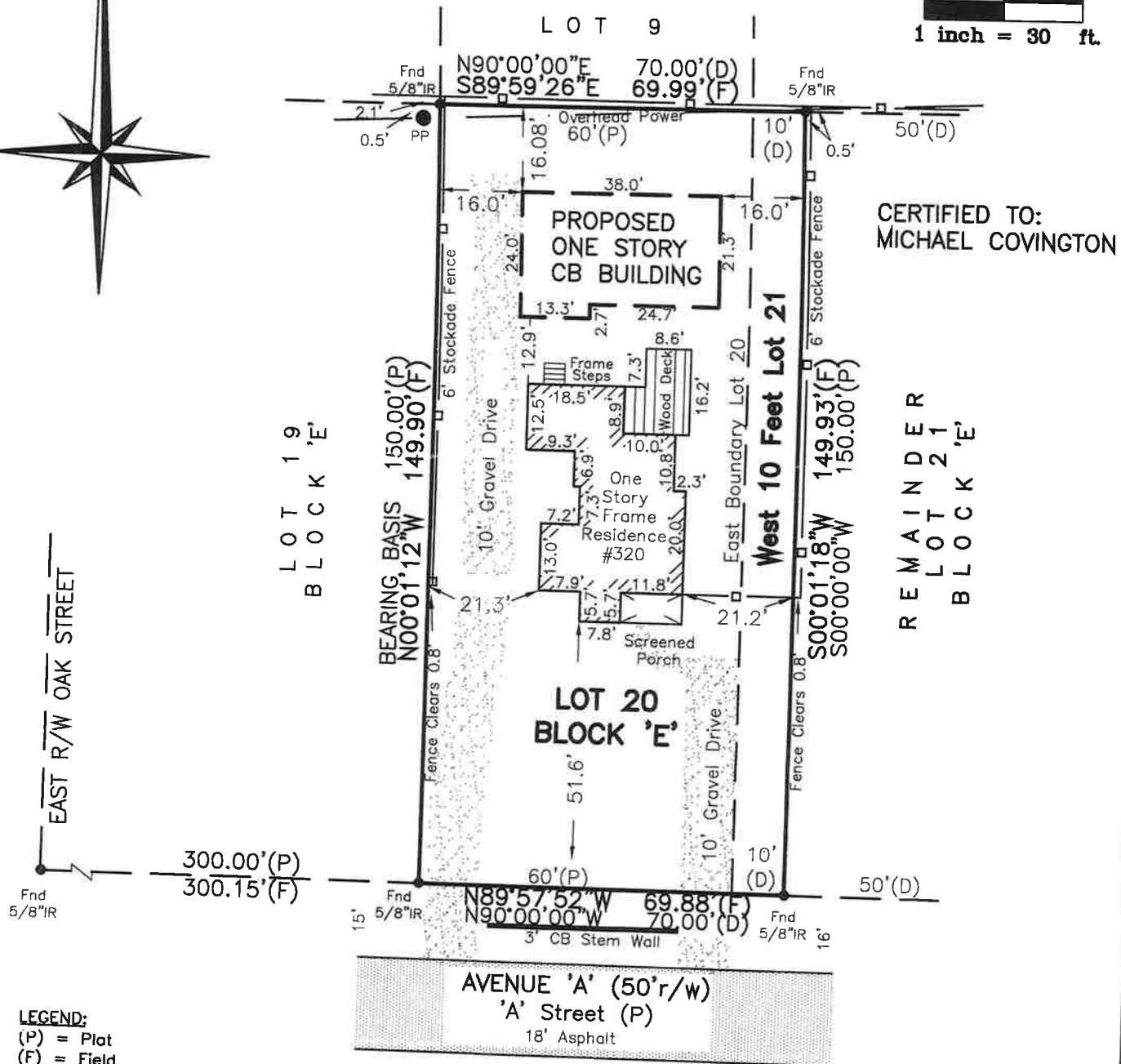
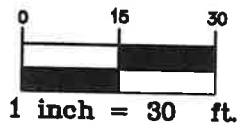
<b>IMPERVIOUS</b>		<b>PERVIOUS</b>	
Primary Structure	1,017	Shed space	
Pool		Open areas	8,484
Decks	154	Other	
Driveway			
Accessory Bldg	845.4		
Concrete areas		<b>TOTAL PERVIOUS</b>	<b>8,484</b>
Paver areas, Driveway			
Other			
<b>TOTAL IMPERVIOUS</b>	<b>0.19%</b>	<b>Lot Total Sq Footage</b>	<b>10,500</b>
		<b>TOTAL % PERVIOUS</b>	<b>81%</b>

# Boundary Survey

PROPERTY ADDRESS: #320 Avenue 'A' Melbourne Beach Fl. 33880.

## PROPERTY DESCRIPTION:

Lot 20 and the West 10 feet of Lot 21, Block 'E', "GRAVES PLAT OF MELBOURNE BEACH", according to the Plat thereof, as recorded in Plat Book 01, page 38, Public Records of Brevard County, Florida.



CERTIFIED TO:  
MICHAEL COVINGTON

REMAINDER  
LOT 21  
BLOCK 'E'

- LEGEND:**
- (P) = Plat
  - (F) = Field
  - (D) = Deed
  - (C) = Calculated
  - Fnd = Found
  - IP = Iron Pipe
  - IR = Iron Rod
  - CL = Centerline
  - Conc = Concrete
  - CB = Conc Block
  - PP = Power Pole
  - A/C = Air Conditioner
  - RRS = Rail Road Spike
  - PK/D = PK Nail and Disc

- NOTES:**
- 1) Field Bearings based on the West boundary of described parcel being N00°01'12"W, as assumed.
  - 2) Survey was prepared without benefit of an abstract or title opinion, and easements or encumbrances, if they exist, were not made known at time of this Survey.
  - 3) No underground improvements or utilities were located.
  - 4) Legal description provided by client.
  - 5) Above described property lies entirely within Flood Zone 'X', as shown on FIRM Map 12009C 0808 G, Dated March 17, 2014.

The survey depicted here is not covered by professional liability insurance. Additions or deletions to survey maps or report by other than the signing party or parties is prohibited without written consent of the signing party or parties.

**DOUGLAS S. GIPSON**  
**Professional Surveyor and Mapper**  
 9615 Ruby Lane, Sebring, Fl. 33878

Melbourn-MikeCovington.Dwg  
 8x14  
 PH: (363) 303-1058

I, Douglas S. Gipson, am a Registered Professional Land Surveyor and do hereby certify that the map or plat shown hereon is an accurate representation of a recent survey made under my direction, and meets the minimum technical standards as set forth by the Florida Board of Land Surveyors in Chapter 5J-17.050, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

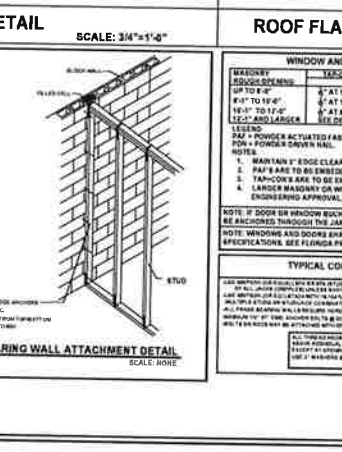
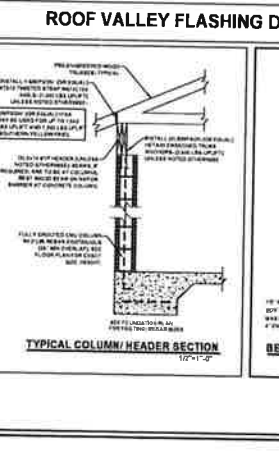
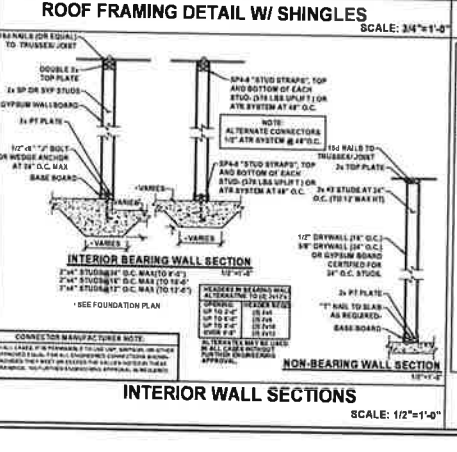
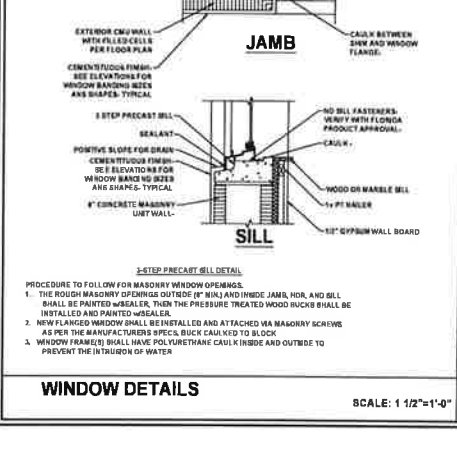
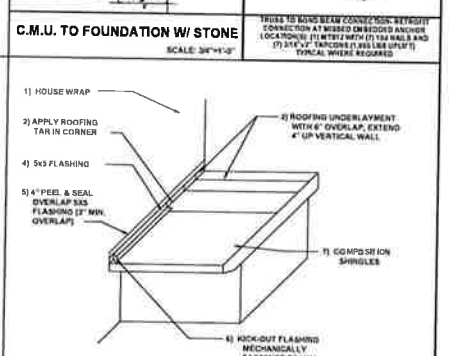
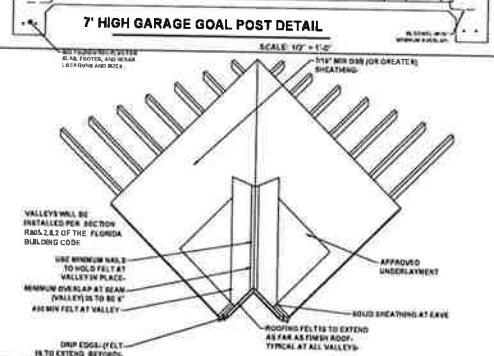
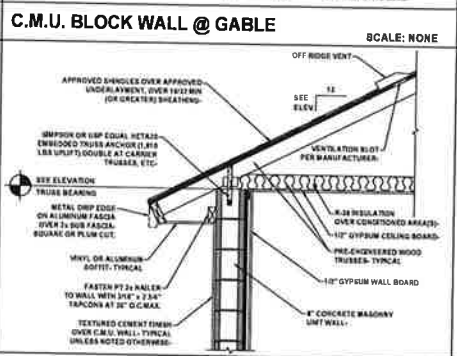
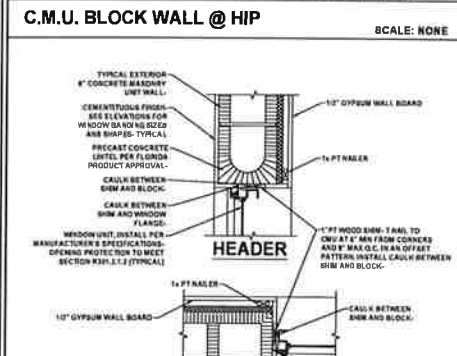
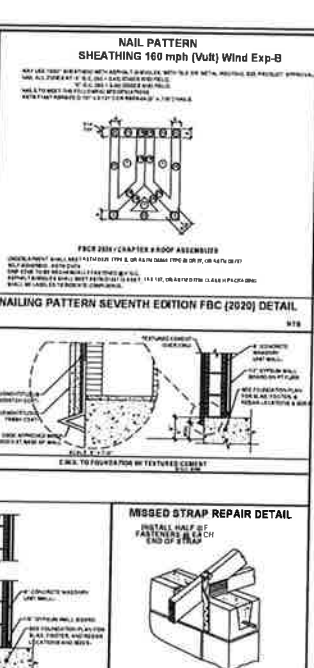
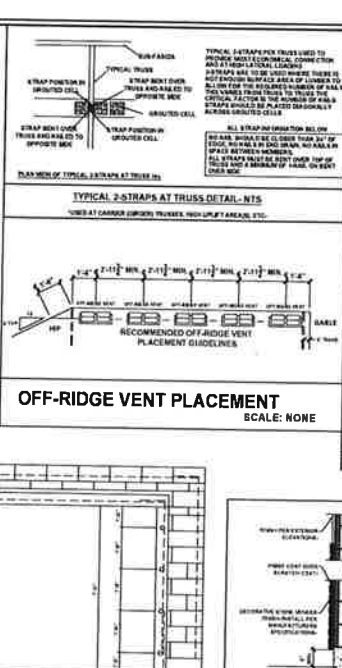
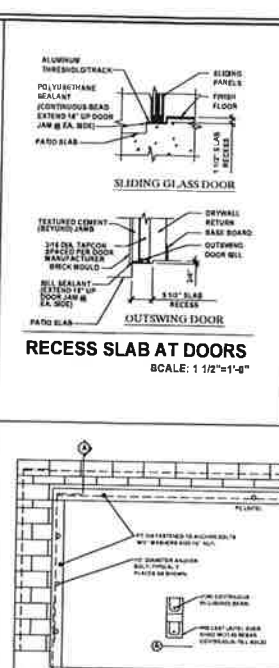
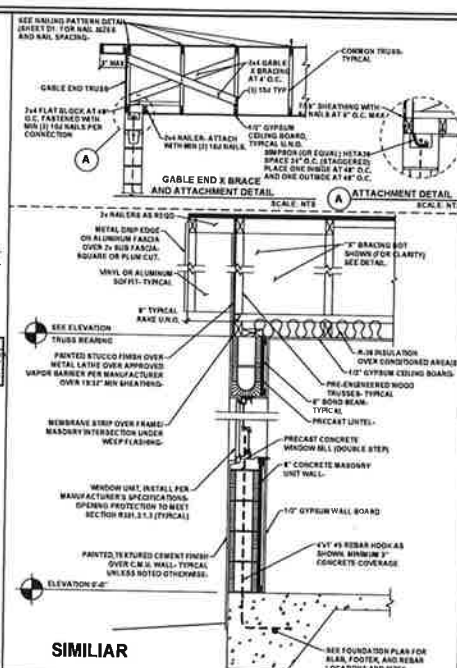
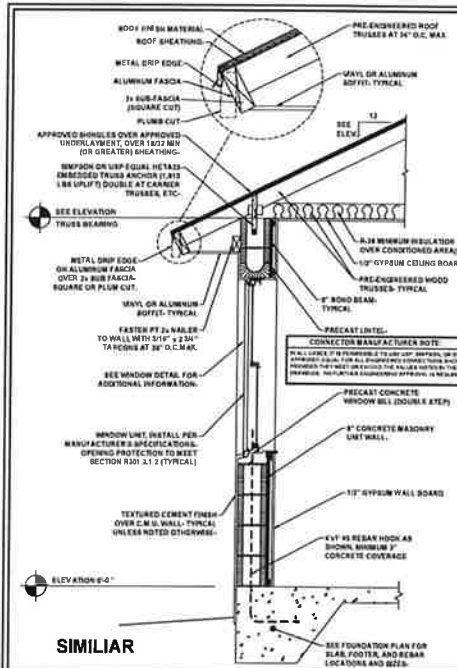
Field Survey Completed: Oct. 06, 2022.  
 Revisions: Jan. 16, 2023.

Not valid without the signature and original raised seal of a Fl. licensed Surveyor and Mapper

*[Signature]*  
 Douglas S. Gipson  
 Florida Registration No. 6157







REVISION 0: 13JUL2022

NO.	DESCRIPTION	DATE

COVINGTON RESIDENCE DETACHED OUTBUILDING

**DAVID HERNANDEZ DESIGN GROUP**  
ARCHITECTS

DAVID HERNANDEZ  
ARCHITECT

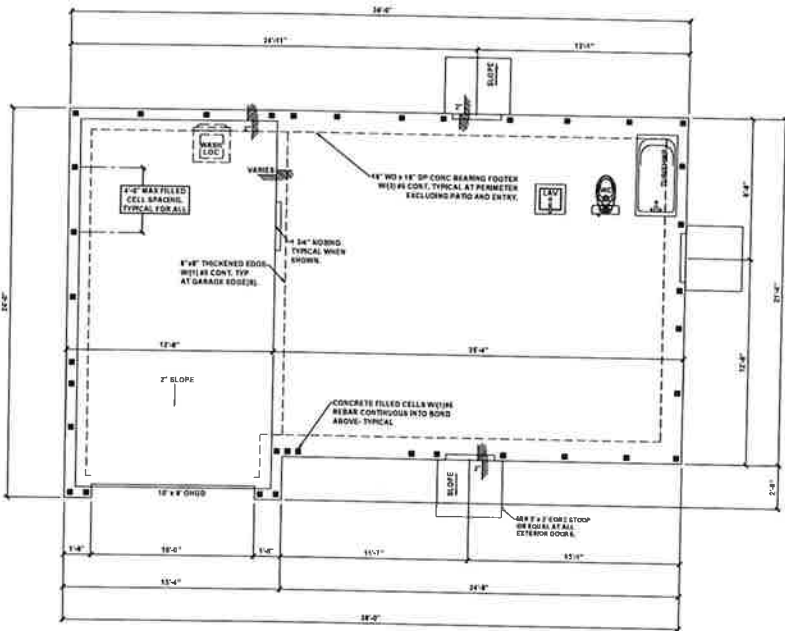
320 AVENUE A  
MELBOURNE BEACH, FL 32961

COVINGTON RESIDENCE CUSTOM DETACHED OUTBUILDING CONSTRUCTION DETAILS

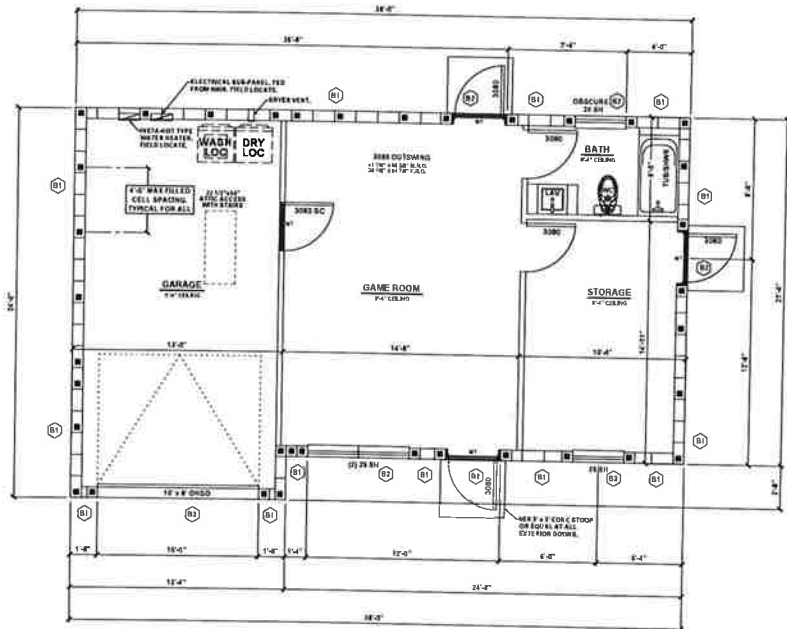
320 AVENUE A  
MELBOURNE BEACH, FL 32961

SHEET: D1





FOUNDATION PLAN  
SCALE: 1/8" = 1'-0"



FLOOR PLAN  
SCALE: 1/4" = 1'-0"

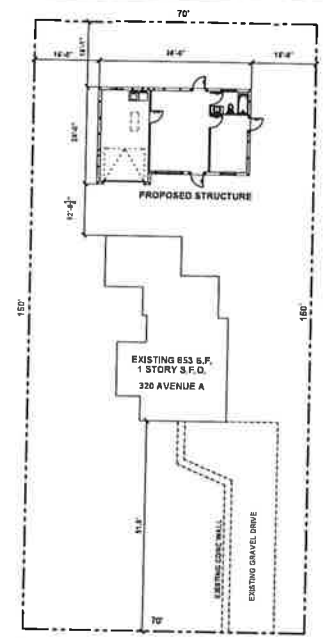
**GRADING NOTES**  
-ALL FINAL GRADING TO COMPLY WITH FACE REAR SECTION R4.1.3  
-GRADE TO FALL A MINIMUM OF 8" WITHIN THE FIRST 12'

**FOUNDATION LOAD CAPACITY NOTE:**  
THE FOUNDATION DESIGN SHALL HAVE A MINIMUM LOAD CAPACITY OF 4,000 LBS PER A MINIMUM OF 8" OF MASONRY PER FT. PER AS BUILT 1987. IN THE EVENT THE AS-BUILT BEARING CAPACITY FALLS BELOW THE REQUIREMENTS MINIMUM, THIS FOUNDATION PLAN MAY BE SUPERSEDED BY AN ENGINEER IN SPECIALIZED FOUNDATION DESIGN.

**DOWEL ROD REPAIR NOTES:**  
IN THE EVENT A REEL HAS BEEN INADVERTENTLY OMITTED FROM DOWN POUR LOCATIONS, DRILL 1" INTO CONCRETE (NO CLEARER THAN 2" FROM EDGES AND 1" FROM ENDS OF CAS) WALLS, BE 100% DUST FREE MANUFACTURER'S INSTRUCTIONS AND USE 2 PART EPOXY TO ANCHOR REBAR IN PLACE. USE EITHER MULTI-FIBER OR EPOXY EPOXY.

**GENERAL FOUNDATION NOTES:**  
1. ALL REINFORCED CONCRETE WORK SHALL BE IN ACCORDANCE WITH ACI 318-11 (MINIMUM CODE REQUIREMENTS) FOR REINFORCED CONCRETE, AND ACI 308.1-11 "SPECIFIC FOR STRUCTURAL CONCRETE".  
2. CONCRETE TO BE MIN 4" THICK OVER CLEAN, COMPACTED FILL AND 1 MI. POLYETHYLENE WRAK BARRIERS (NON-ROOFED PATIOS EXCLUDED).  
3. CONCRETE BAR TOLERANCE 1/4" MIN TO 1/2" MAX, (MIN 1" COV) OR SYNTHETIC FIBER REINFORCEMENT.  
4. CONCRETE SHALL HAVE A MIN SPECIFIED COMPRESSIVE STRENGTH OF NOT LESS THAN 3000 PSI.  
5. ALL REBAR HOOKS ARE TO BE EXTENDED 1' MIN BEYOND THE TURN. FIELD BENDS ARE TO BE DONE COLD AND THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT TO BE LESS THAN 10 BAR DIAMETERS.  
6. MINIMUM COVERAGE FOR REBAR SHALL BE 2" IN FOOTERS AND 1 1/2" IN BOND BEARING HOOKS MAY BE ROTATED HORIZONTALLY AS NEEDED TO ACHIEVE MIN COVERAGES.

**GENERAL MASONRY NOTES:**  
1. MASONRY CONSTRUCTION SHALL CONFORM TO THE MOST RECENT CODE REQUIREMENTS AND SPECIFICATIONS FOR MASONRY STRUCTURES.  
2. CONCRETE BLOCKS TO CONFORM TO ASTM C90 WITH FN 1500 PSI.  
3. MORTAR SHALL COMPLY TO ASTM C270 TYPE "M" 3/4" x 1/2".  
4. REPAIR OF WALLS CONFORMING TO ASTM C90 AND AS BUILT ORIGIN PLAN AND SECTION UNLESS NOTED AS REPAIR. OUTLETS SHALL BE WITH PROPER GULCHES AND CORNER BARS CONFORMING TO AS BUILT.  
5. WHERE SHOWN IN PLAN, CONCRETE BLOCK TO BE FILLED WITH GROUT FILL F<sub>28</sub> = 2500 PSI MIN.



LOCATION PLAN  
SCALE: 1/16" = 1'-0"

**AREA TABULATION**

GAMEROOM, BATH, STORAGE	540 S.F.
GARAGE	306 S.F.
TOTAL UNDER ROOF	846 S.F.

**DRAWING SHEET INDEX:**

SHEET	DESCRIPTION
A1	FLOOR PLAN FOUNDATION PLAN, DETAILS, NOTES
A2	EXTERIOR ELEVATIONS, TRUSS PLAN, ELECTRICAL PLAN
A3	CONSTRUCTION DETAILS

**GENERAL CONSTRUCTION NOTES:**  
1. CAS CONSTRUCTION W/ DOWNPOUR AT 4" MAX. OR AS INDICATED.  
2. 1/2" MIN ROOF OVERHANG.  
3. WINDOWS ARE TO BE IMPACT RATED, SHUTTERS NOT REQUIRED. BATH FANS ARE TO BE VENTED TO OUTSIDE.

**FLOOR PLAN NOTES:**

- FRIDGE 2x18 INSULATION FUR 2x8, 2x8 AND 2x12 FOR 2x4 EXTERIOR WOOD FRAME WALLS PER FBC 2019 7th EDITION ENERGY CONSERVATION SECTION 502. DRYER TO BE VENTED THROUGH NEAREST EXTERIOR WALL OR ROOF BY HVAC CONTRACTOR, BUILD DOFFIT AS NEEDED AND PAD OUT WALL AT CEILING AS REQUIRED.
- ATRIC ACCESS TO BE 30" MINIMUM, ATRIC ACCESS W/ STAIRS TO BE 44" X 32", MATCH TRUSS SPACING PER 2x8 ACCESS PANEL AND STAIRS TO HAVE 36 LIGHT FIXTURE.
- PROVIDE 1 1/2" MINIMUM SOLID WOOD, HONEYCOMB OR 22 MINUTE FIRE RATED DOOR WITH SELF CLOSING DEVICES BETWEEN GARAGE AND CONTIGUOUS SPACE PER FBC 510.1.1.
- ALL INTERIOR NONBEARING FRAMING TO BE 1 1/2" x 4" G.C. WITH A MINIMUM 1/4" MINIMUM SOLID WOOD STUDS ARE TO BE USED AT ALL WALLS THAT BRIDGE OVER WOOD STUDS OR BRIDGE OVER WALL TILE IS ATTACHED TO MICHEN WALL CABBINERY OR BRIDGE OVER WALL TILE IS ATTACHED TO MICHEN WALL CABBINERY OR BRIDGE OVER WALL TILE IS ATTACHED TO MICHEN WALL CABBINERY. ALL PANTRY AND LINEN CABINETS (UNLESS NOTED OTHERWISE) SHALL BE 1 1/2" x 4" G.C. WITH A MINIMUM 1/4" MINIMUM SOLID WOOD STUDS ARE TO BE USED AT ALL WALLS THAT BRIDGE OVER WOOD STUDS OR BRIDGE OVER WALL TILE IS ATTACHED TO MICHEN WALL CABBINERY OR BRIDGE OVER WALL TILE IS ATTACHED TO MICHEN WALL CABBINERY. ALL PANTRY AND LINEN CABINETS (UNLESS NOTED OTHERWISE) SHALL BE 1 1/2" x 4" G.C. WITH A MINIMUM 1/4" MINIMUM SOLID WOOD STUDS ARE TO BE USED AT ALL WALLS THAT BRIDGE OVER WOOD STUDS OR BRIDGE OVER WALL TILE IS ATTACHED TO MICHEN WALL CABBINERY OR BRIDGE OVER WALL TILE IS ATTACHED TO MICHEN WALL CABBINERY.
- THE BRICKING TO COMPLY WITH FBC SECTION 716.2. FBC 716.2. ALL FRAMING IN CONTACT WITH THE GLASS TO BE TREATED WITH TERMITE PROTECTION.

**BOND BEAM / LINTEL SCHEDULE: 9'-4" PLATE**

9'-4"	STANDARD CMU BOND BEAM WITH 2 COURSES OF KNOCKOUT LINTEL BLOCKS WITH 1 AS EACH COURSE. REPRESENTS TYPICAL TWO COURSE (DOUBLE) BOND BEAM AT PERIMETER WITH NO OPENINGS.
9'-4"	STANDARD 2" GAN PRECAST LINTEL WITH 7 COURSES OF KNOCKOUT BLOCK WITH 1 AS EACH COURSE (EXCEEDS LINTELS AT DOOR OPENINGS). REPRESENTS BOND BEAM TYPICAL AT OPENINGS.
9'-4"	STANDARD 2" GAN PRECAST LINTEL WITH 1 COURSE OF KNOCKOUT BLOCK WITH 1 AS EACH COURSE. TYPICAL AT GARAGE STEE DOWN. REPRESENTS BOND BEAM TYPICAL AT OPENINGS.

**DESIGN STATEMENT:**  
THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 2019, RESIDENTIAL 7th EDITION. THE DESIGN CRITERIA ARE AS FOLLOWS:  
ULTIMATE DESIGN WIND SPEED: 150 MPH  
MINIMUM DESIGN WIND SPEED: 120 MPH  
WIND IMPORTANCE FACTOR: 1.4  
RISK CATEGORY: II  
WIND EXPOSURE: B  
CONSTRUCTION TYPE: V-B  
INTERNAL PRESSURE COEFFICIENT: 0.18  
COMPONENTS & CLADDING WIND SPEED PER 19.5.3, 19.5.3.1  
ZONE 1A 24-ROOF (16.4, 21.3)  
ZONE 2A, 2B, 3a-ROOF (16.4, 21.3)  
ZONE 3-ROOF (16.4, 21.3)  
ZONE 4-WALL FIELD (21.4, 32)  
ZONE 5-WALL CORNER (21.4, 32) WITHIN A FEET OF CORNERS.  
OVERHEAD DOOR (16.4, 21.3)  
BUILDING DEFINED AS AN ENCLOSED STRUCTURE, PROTECTION OF OPENINGS REQUIRED BY BUILDER, SEPARATE ATTACHMENT.  
THE DESIGN INDICATED ON CONSTRUCTION DOCUMENTS DOES TO THE BEST OF MY INFORMATION AND BELIEF, COMPLY WITH ALL APPLICABLE BUILDING CODES. A OWEN P.E.

REVISION 0:  
13 JUL 2022

**REVISION INDEX**

NO.	DATE	DESCRIPTION

A OWEN P.E. ONLY  
DESIGNED BY: DAVID HERNANDEZ  
DATE: 07/13/22  
SCALE: AS SHOWN  
THIS DRAWING IS THE PROPERTY OF A OWEN P.E. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

**COVINGTON RESIDENCE  
DETACHED OUTBUILDING**

DAVID HERNANDEZ  
DESIGN GROUP  
CUSTOMER: DAVID HERNANDEZ  
PROJECT: COVINGTON RESIDENCE  
DATE: 07/13/22  
SCALE: AS SHOWN  
SHEET: A1

COVINGTON RESIDENCE  
DETACHED OUTBUILDING  
CUSTOMER: DAVID HERNANDEZ  
PROJECT: COVINGTON RESIDENCE  
DATE: 07/13/22  
SCALE: AS SHOWN  
SHEET: A1

**SHEET:  
A1**



## **Planning and Zoning Board/LPA**

**Section:** Public Hearing

**Meeting Date:** March 7, 2023

**Subject:** Proposed Ordinance 2023-01 (Landscaping and Trees Section 9A and Fences and Walls 7A-53 and 7A-58)

**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.

On February 7, 2023, the Planning and Zoning Board/LPA continued its consideration of the proposed ordinance to March 7, 2023.

On February 15, 2023 the Town Commission passed Ordinance No. 2023-01 on First Reading.

### **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 and justification for removal permits.
- Amends Section 9A-7 to revise minimum tree plantings for new construction and to add maintenance and replacement requirements.
- 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-53 to add entrance gate standards.
- 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 SECTION 9A-5, APPLICATION FOR PERMIT; REVIEW OF APPLICATION; 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 March 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. Any tree which poses an unacceptable risk may qualify for removal without a permit 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~~ where inability to remove the tree would unreasonably restricts the permitted use of the property and the tree removal has been authorized by the Town as part of a site plan review;

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 one (1) 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 four and one half feet (4.5') above grade.

(d) Maintenance of trees and landscaping. If the removal of any tree or landscaping from any lot causes the number of remaining trees or vegetative species to fall below the minimum standards required by this section or as reflected on any approved site plan or landscaping plan for said lot, replacement trees or vegetative species meeting the requirements of this section or any approved site plan or landscaping plan shall be re-planted on the lot within thirty (30) days after removal.

\* \* \*

**§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 be 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; and

**iii. Entrance gates must be designed such that they do not encroach into any right-of-way.**

(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 16<sup>th</sup> day of February, 2023, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 16<sup>th</sup> 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](mailto: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 1<sup>st</sup>.

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 1<sup>st</sup> 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 22<sup>nd</sup>.

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 22<sup>nd</sup> 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

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**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 2<sup>nd</sup> 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 2<sup>nd</sup> kitchen. Perhaps this could be addressed in the intent section where a 2<sup>nd</sup> 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 2<sup>nd</sup> kitchen. And although I think the 2<sup>nd</sup> 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

## Town Commission Agenda Item

**Section:** Public Hearing

**Meeting Date:** February 15, 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).

On February 7, 2023, the Planning and Zoning Board/LPA voted to recommend approval of the proposed ordinance by a vote of 4-1.

On February 15, 2023, the Town Commission passed Ordinance No. 2023-02 on First Reading. The approved Ordinance was revised to address separate living quarters attached to the principal structure, and as such is returning to Planning and Zoning Board for additional review and consideration.

### **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 into the principal single-family dwelling unit or may be located within separate quarters connected to the principal single-family dwelling unit by a common wall or common roof. For purposes of this Section, a breezeway connection between the principal single-family dwelling unit structure and the separate quarters served by the second kitchen may constitute a common roof. Access to the second kitchen shall be as required by the Florida Building Code.

(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 16<sup>th</sup> day of February, 2023, and ADOPTED by the Town Commission of the Town of Melbourne Beach, Florida, on final reading on the 16<sup>th</sup> 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](mailto: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 1<sup>st</sup>.

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 1<sup>st</sup> 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 22<sup>nd</sup>.

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 22<sup>nd</sup> 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

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**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 2<sup>nd</sup> 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 2<sup>nd</sup> kitchen. Perhaps this could be addressed in the intent section where a 2<sup>nd</sup> 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 2<sup>nd</sup> kitchen. And although I think the 2<sup>nd</sup> 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