

Town of Melbourne Beach

PUBLIC NOTICE

AGENDA

PLANNING & ZONING BOARD MEETING Tuesday, May 7, 2024 @ 6:30 pm COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Chairman David Campbell
Vice-Chairman Kurt Belsten
Member April Evans
Member Dan Harper
Member Gabor Kishegyi

Alternate Board Members

Alternate Todd Albert
Alternate Jason Judge

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
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. April 2, 2024 minutes
4. **NEW BUSINESS**
 - A. Discussion on changes to 7A-50 Off-Street Parking
5. **PUBLIC HEARINGS**
 - A. Ordinance 2024-02 Repealing Ordinance 2023-02 Second Kitchens
AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, REPEALING ORDINANCE 2023-02 IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
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, APRIL 2, 2024 @ 6:30 PM

COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Chairman David Campbell
 Vice-Chairman Kurt Belsten
 Member April Evans
 Member Dan Harper
 Member Gabor Kishegyi

Alternate Board Members

Alternate Todd Albert
 Alternate Jason Judge

Staff Members:

Town Manager Elizabeth Mascaro
 Town Clerk Amber Brown
 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

Chairman David Campbell called the meeting to order at 6:30 p.m.

2. ROLL CALL

Town Clerk Amber Brown conducted the roll call

Present:

Chairman David Campbell
 Vice-Chairman Kurt Belsten
 Member April Evans
 Member Dan Harper
 Member Gabor Kishegyi
 Alternate Todd Albert
 Alternate Jason Judge

Staff Present:

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

3. APPROVAL OF MINUTES

A. March 5, 2024 minutes

Alternate Todd Albert made a motion to approve; Vice Chairman Kurt Belsten seconded; Motion carried 5-0.

4. NEW BUSINESS

A. Consideration of language for the second kitchen repeal ordinance

Town Clerk Amber Brown spoke about this item will be tabled until next month to allow time for it to be advertised.

Member April Evans spoke about the ordinance removes the definition of kitchen which should be kept.

5. PUBLIC HEARINGS

6. OLD BUSINESS

A. Discussion on documentation to support the Planning and Zoning Board's position regarding the shed ordinance

Member Dan Harper spoke about the Commission requesting diagrams of the proposals be drawn on actual photos. He provided supporting documents and discussed the Building Officials proposal versus the Planning and Zoning Board's proposal.

Vice Chairman Kurt Belsten made a motion to present the exhibits to the Town Commission; Member April Evans seconded; Motion carried 5-0.

Several Board Members stated they would prefer the current ordinance language.

7. PUBLIC COMMENT

8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

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

- Second kitchen ordinance

Member April Evans spoke about the size of accessory structures are getting out of control. She would like the Board to be able to look into that.

10. ADJOURNMENT

Member April Evans motioned to adjourn; Member Gabor Kishegyi seconded; Motion carried 5-0.

The meeting adjourned at 6:44 p.m.

ATTEST:

David Campbell, Chairman

Amber Brown, Town Clerk

Planning and Zoning Meeting

Section: New Business
Meeting Date: May 7, 2024
From: Town Manager, Elizabeth Mascaro
Re: Changes to 7A-50 Off-street Parking

Background Information:

The Town of Melbourne Beach has very limited parking in our business district, other than the privately owned shopping center. The Town does not have the capacity to add more parking. In order to allow our business owners the ability to “do more business” consider reducing the number of parking spaces required for a business to maintain regardless of the building/office square footage.

Recommendation:

1. Minimum required parking spaces per business is five regardless of the square footage, with up to two spaces designated for golf carts.
2. Bike racks shall be provided for every non-residential or multi-family property with the capacity to park at least four bicycles.
3. One bedroom units=open space required; two bedroom units=1.5 spaces required and 3 or more bedroom units=two spaces required.
4. Reduce the minimum dimension from 10' to 9.5 feet.
5. Minimum dimension for gold car parking shall be 6' wide by 11' long.

Attachments:

Proposed changes to 7A-50

* * * * *

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

§ 7A-50. OFF-STREET PARKING.

(a) Minimum requirements. In the interest of the health, safety and welfare of the general public and in the promotion and preservation of traffic and pedestrian safety, all buildings, structures and uses shall be provided with a minimum number of adequate off-street parking and off-street loading facilities in accordance with the parking and loading requirements of this section. Off-street parking and off-street loading areas shall be maintained to be structurally sound and neat and orderly in appearance and continued as part of the primary use of the site. Alternative transportation options, such as the use of golf carts, bicycles, scooters, ride sharing services, and pedestrian transportation, is encouraged. These minimum parking standards represent the city's desire to encourage such alternatives.

~~If the gross floor area of the principal structure on the site is expanded or enlarged, or if the use on the site is changed to one which would require a larger number of parking spaces than the previous use, then off-street parking serving the site shall be increased by the number of additional parking spaces required by the new use. Deficiencies in the number of required parking spaces shall not be increased. If an existing deficiency is maintained or reduced then the change of use may be approved.~~

In the 6-B, 7-C, 8-B, and 9-I zoning districts, the following standards shall apply:

- (1) For non-residential or mixed-use developments, a minimum of five parking spaces shall be provided on the property, regardless of the building square footage. Of these five parking spaces, up to two may meet the minimum size standards for golf carts.
- (2) For residential developments, parking spaces shall be provided as desired by the property owner.
- (3) Additional parking spaces for vehicles, including golf carts, may be provided as needed.
- (4) Bicycle racks shall be provided on every non-residential or multi-family property with the capacity to park at least four bicycles.

~~Parking space computation shall be based on the gross floor area unless otherwise stipulated in the Land Development Code.~~

For all other residential zoning districts—The minimum off-street parking spaces shall be provided in accordance with the following:

- ~~(1) Business, Office, Professional Office, Financial, Medical, Dental, Clinic, or retail uses. One space per 200 square feet of gross floor area or fraction thereof.~~

~~—(2) Barbershops and beauty parlors. One space per 100 square feet of gross floor area or fraction thereof.~~

~~—(3) Churches, temples or places of worship. One space for each three seats or seating places, or one space for each 150 square feet of gross floor area, or fraction thereof, of the main assembly hall, whichever is greater, based on maximum occupancy as determined by the fire marshal.~~

~~—(4) Libraries, museums. One space for each 300 square feet of gross floor area, or fraction thereof, that is open to the public.~~

~~(51) Multi-family dwelling units. Two parking spaces per unit must be provided. At least one of these spaces must be fully enclosed. For one-bedroom units, one space is required, for two-bedroom units, 1.5 spaces are required, and for three or more bedroom units, two spaces are required.~~

~~(6) Restaurants, lounges, and other eating or drinking establishments. One space per 75 feet of gross floor area devoted to customer service.~~

~~(72) Single-family and duplex dwelling units. Enclosed parking space must be provided for at least two one vehicle, and a minimum of two parking spaces total is required.~~

~~—(8) Vocational, trade, and academic schools above ninth grade level: One space for every two students (computed on total student capacity as determined by the fire marshal and/or the State of Florida).~~

~~—(9) Schools ninth grade level and below: one and 1/2 spaces for each classroom.~~

~~—(10) Daycare/nurseries: one and one half spaces for each employee based on the number of employees determined by State licensing agency to be present when operating at full capacity.~~

~~—(11) Bed and breakfast inns. One on-site parking space per guestroom and an additional two on-site parking spaces for the resident manager/innkeeper.~~

~~—(12) Drug stores and pharmacies. One space for each 200 square feet of gross floor area or fraction thereof.~~

~~—(13) Parking requirements for uses not specifically listed shall be determined by the Building Official based on the most similar use listed which is most similar in the number of automobile trips generated as computed using the most recent edition of the I.T.E. Trip Generation Manual.~~

(b) Location and design of off-street parking spaces for other than single-family residential dwellings and duplex residential structures.

~~(1) Parking spaces shall be located on the same property with the principal structure and use to be served, unless otherwise authorized by the Town Commission. Off-site parking may be authorized in the following instances:~~

~~— a. Insufficient parking is available on the property containing the principal structure.~~

- ~~b. The off-site parking area is located a maximum of 300 feet to the property line as measured along a straight line from the closest point of each property to one another.~~
- ~~c. Compliance with all other applicable parking regulations are complied with.~~
- ~~d. No public right-of-way or other public property shall be used to meet the parking requirements.~~

(21) Sufficient on site space shall be provided to ensure for ingress and egress to parking spaces and internal traffic circulation.

a. Minimum design standards. Minimum dimensions of standard vehicle parking spaces shall be ~~ten~~

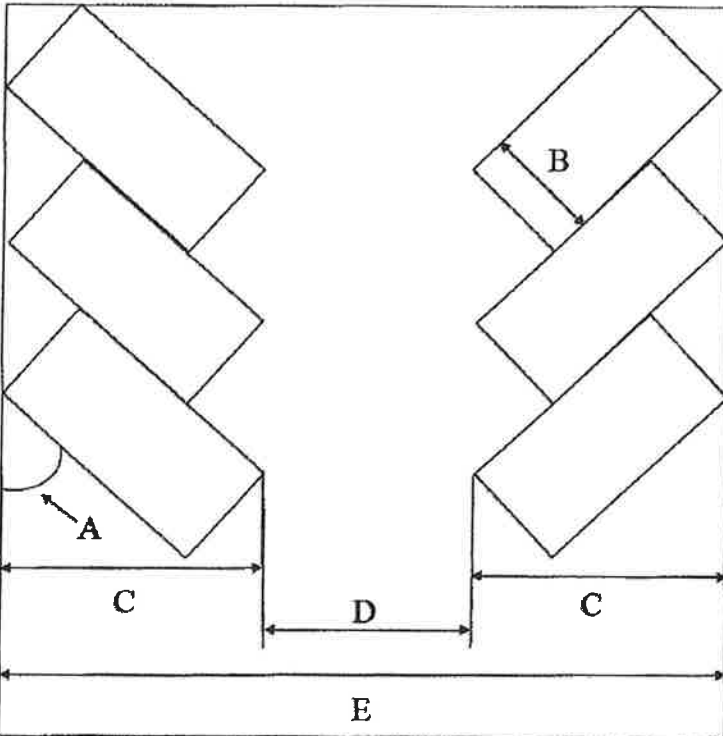
~~feet (10') 9.5'~~ by twenty feet (20'). When a curb stop or curbing is used as a wheel stop for head-in parking, the twenty foot (20') dimension may be eighteen feet (18') of paving from the curb stop plus a two foot (2') overhang area. The overhang area shall not be counted as buffering or landscaping area to meet minimum landscape requirements.

b. Minimum dimensions of reserved golf cart parking spaces shall be 6' wide by 11' long.

b. Minimum ingress/egress. Parking areas shall have parking spaces meeting the standards set forth in subparagraph (2)a. above, and shall meet the following standards with regard to driveways or aisles through a parking lot.

<u>Parking Angle (degrees)</u>	<u>Minimum Stall Width</u>	<u>Minimum Stall Depth (without overhang/with overhang)</u>	<u>Minimum Aisle Width One-way</u>	<u>Minimum Aisle Width Two-way</u>
<u>0 (parallel)</u>	<u>9.5'</u>	<u>23'/23'</u>	<u>16'</u>	<u>22'</u>
<u>45</u>	<u>9.5'</u>	<u>20'/18'</u>	<u>16'</u>	<u>Prohibited</u>
<u>60</u>	<u>9.5'</u>	<u>20'/18'</u>	<u>18'</u>	<u>Prohibited</u>
<u>90</u>	<u>9.5'</u>	<u>20'/18'</u>	<u>20'</u>	<u>22'</u>

PARKING SPACE MEASUREMENTS



A Parking Angle	B Stall Width	C Stall Depth	D Aisle Width (one way)	D Aisle Width (two way)	E Overall (one way)	E Overall (two way)
0°*	10	23'	16'	22'	36'	42'
45	10	19'10"	16'	prohibited	55'8"	NA
60	10	21'	18'	prohibited	60'	NA
90	10	28'	20'	22'	60'	62'

*Overall number reflects a double loaded parking row

**For 0 degree parking angle overall includes column B rather than column C.

(3) Required off-street parking areas for three or more automobiles shall have individual spaces marked and shall be so designed, maintained, and regulated in such a manner that no parking or maneuvering incidental to parking shall be on any public right-of-way, public street, walk, or alley, and so that any automobile may access and exit from the parking space without moving another automobile.

(c) Additional regulations.

(1) No truck over ¾-ton, trailer, major recreational equipment, travel van, boat or similar object may be parked in front of the front building line of a residence unless it is not visible from the street.

(2) Handicapped parking space requirements. Handicapped parking spaces shall be ~~regulated by Florida Building Code posted as per the Federal Highway Administration Uniform Traffic Code. The required number of handicapped parking spaces and design shall be as required by Florida Statutes.~~

~~(d) Off-street loading requirements. Loading space dimensions: length, 45 feet; width, 14 feet; and height, 14 feet. Sufficient maneuvering area shall be provided where it is anticipated that trucks or trailers exceeding 45 feet in length will be utilized in loading or unloading. Loading spaces shall be within the confines of the property.~~

~~(1) Every single-occupancy retail or office establishment permitted use having a floor area of 3,000 square feet or more, requiring the receipt or distribution by vehicles of materials and merchandise shall have at least one permanently maintained off-street loading space for each 3,000 square feet of gross floor area.~~

~~(2) Single-occupancy retail operations with a gross floor area of less than 3,000 square feet shall provide sufficient receiving space on the property so as not to hinder the fast movement of vehicles and pedestrians over a sidewalk, street or alley as determined by the Town Planner.~~

(3) All refuse and garbage shall be held in suitable containers at the rear of the front line of the structure for subsequent pickup, or as approved by the Building Official when no alternate option is available.

(e) No off-street parking of vehicles is allowed except on hard surfaced areas. Hard surface shall include asphalt, concrete or other similar stabilizing material. Pervious surfacing material considered by the Planning and Zoning Board may be approved by the Town Commission as part of the site plan review and approval process where circumstances of use are conducive to this type of pavement. Marl is specifically prohibited for use in parking areas and driveways. Golf cart parking must be identified as such, but is not required to utilize a hard surface area.

(f) Where artificial lighting of parking areas is provided, it shall be designed and arranged so as to shield public streets and adjacent properties from direct glare.

Town Commission Meeting

Section: Old Business
Meeting Date: March 20, 2024
From: Town Attorney, Ryan Knight
Re: Repeal of Ordinance 2023-02 Second Kitchens

Background Information:

During the Town Commission meeting of February 21, 2024 a decision to repeal Town of Melbourne Beach Ordinance 2023-02, Second Kitchens, was approved by the Town Commission. The Commission instructed the Town Attorney to draft a new Ordinance repealing the original 2023-02 Ordinance.

Recommendation:

Review the Repeal Ordinance for language.

Attachments:

Repeal Ordinance
Ordinance 2023-02

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, REPEALING ORDINANCE 2023-02 IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 15, 2023, the Town Commission of the Town of Melbourne Beach enacted Ordinance No. 2023-02 amending the Land Development Code of the Town of Melbourne Beach regarding second kitchens in residential zoning districts 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 repeal of Ordinance No. 2023-02 in its entirety is in the best interests of the citizens of the Town of Melbourne Beach, and promotes the general health, safety, and welfare of the residents of the Town of Melbourne Beach; and

WHEREAS, on April 2, 2024, the Planning and Zoning Board at a duly noticed public hearing, reviewed and considered the repeal of Ordinance No. 2023-02 in its entirety and took public comment regarding the same; and

WHEREAS, the Planning and Zoning Board has determined that the repeal of Ordinance No. 2023-02 in its entirety is in the best interest of the Town of Melbourne Beach and has recommended that the Town Commission approve of the same; and

WHEREAS, the Town Commission of the Town of Melbourne Beach and the Planning and Zoning Board have determined that the repeal of Ordinance No. 2023-02 in its entirety is in the best interest of the Town of Melbourne Beach.

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

NOTE: Underlined words constitute additions to the Town of Melbourne Beach Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. The definition of “Kitchen or Kitchen Facility” in Article I, Chapter IA, Section 1A-3, of Appendix “A,” of the Town of Melbourne Beach Code of Ordinances is hereby repealed as follows:

§1A-3. DEFINITIONS.

~~**KITCHEN** or **KITCHEN FACILITY.** A room of area within a room whose primary purposes 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. Section 7A-31(g) of Appendix “A,” of the Town of Melbourne Beach Code of Ordinances is hereby repealed as follows:

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

~~(g) Supplementary regulations: As provided in §§ 7A-50 through 7A-72, and Chapter 9A.~~

Section 3. Section 7A-32(g) of Appendix “A,” of the Town of Melbourne Beach Code of Ordinances is hereby repealed as follows:

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

~~(g) Supplementary regulations: As provided in §§ 7A-50 through 7A-72, and Chapter 9A.~~

Section 4. Section 7A-33(g) of Appendix “A,” of the Town of Melbourne Beach Code of Ordinances is hereby repealed as follows:

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

~~(g) Supplementary regulations: As provided in §§ 7A-50 through 7A-72, and Chapter 9A.~~

Section 5. Article IV, Chapter 7A, Section 7A-72, of Appendix “A,” of the Town of Melbourne Beach Code of Ordinances is hereby repealed 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. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2024, by the Town Commission of the Town of Melbourne Beach, Florida.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

TOWN OF MELBOURNE BEACH, FLORIDA

By: _____
ALISON DENNINGTON, Mayor

ATTEST:

(TOWN SEAL)

Amber Brown, Town Clerk