



TOWN OF MELBOURNE BEACH

PLANNING & ZONING BOARD MEETING

MONDAY, FEBRUARY 5, 2024

AGENDA PACKET

Town of Melbourne Beach

PUBLIC NOTICE

AGENDA

PLANNING & ZONING BOARD MEETING

Monday, February 5, 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. August 1, 2023 minutes

4. NEW BUSINESS

- A. Consideration of updates to the code related to sheds
- B. Appointment of the 2024 Chairperson
- C. Appointment of the 2024 Vice Chairperson

5. PUBLIC HEARINGS

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, AUGUST 1, 2023 @ 6:30 pm

TOWN HALL MASNY ROOM – 507 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
 Town Attorney Clifford Repperger
 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 6:30 p.m.

2. ROLL CALL

Town Clerk Amber Brown conducted the roll call

Present:

Chairman David Campbell
 Vice-Chairman Kurt Belsten
 Member Daniel Gonzalez

Staff Present:

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

Absent:

Member April Evans
 Member Douglas Hilmes
 Alternate Dan Harper
 Alternate Gabor Kishegyi

3. APPROVAL OF MINUTES

A. July 11, 2023 minutes

Vice Chairman Kurt Belsten made a motion to approve the July 11, 2023 minutes; Member Daniel Gonzalez seconded; Motion carried 3-0.

4. NEW BUSINESS

A. Site plan approval for 508 Magnolia Ave – new home

Member Daniel Gonzalez moved to approve the site plan for 508 Magnolia Ave; Vice Chairman Kurt Belsten seconded; Motion carried 3-0.

5. PUBLIC HEARINGS**6. OLD BUSINESS****7. PUBLIC COMMENT****8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY****9. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS****10. ADJOURNMENT**

Vice Chairman Kurt Belsten moved to adjourn; Member Daniel Gonzalez seconded; Motion carried 3-0.

The meeting adjourned at 6:35 p.m.

ATTEST:

David Campbell, Chairman

Amber Brown, Town Clerk

§ 7A-57. ACCESSORY STRUCTURES.

(a) (1) No accessory structure shall be erected in any front yard. Unless specifically defined in this chapter, no accessory structure shall be erected in any side yard. Except as otherwise provided by this chapter, no accessory structure shall exceed the height of the main structure. Unless specifically allowed in this chapter, no accessory structure other than a utility shed shall be constructed within 15 feet of any lot line.

(2) Accessory structures may be constructed simultaneously with, or following the construction of the main building and shall not be used until after the principal structure has been fully erected. Erection of tents as accessory structures is prohibited. No home occupation or business may be conducted in any accessory structure. No accessory structure which contains living quarters shall be constructed on any lot.

(b) Accessory buildings erected on lots fronting on two streets shall conform to main structure setbacks for the rear yard.

(c) Trailers may be used for the storage of equipment during construction provided such trailers are used only during the construction period. A temporary trailer permit shall be required for all structures, and shall be renewable every six months.

(d) **All sheds require a building permit.** Utility sheds may not be larger than ~~420~~ **200** square feet in floor area and ~~40½~~ **12 feet total, above grade.** ~~in height. Utility shed foundations should be no higher than 8 inches above ground level.~~ Sheds shall be **substantially screened by a vegetative barrier or fence** from the front and side streets. ~~Screening shall be accomplished through landscaping, fencing or a combination of the two.~~ Sheds must be behind the rear of the front **building** line of the principal structure. ~~On any corner lot, the shed must be both behind the rear of the front line of the principal structure and behind the building line of the side of any structure abutting any street.~~ Utility sheds are limited to one shed per ~~40,000 square feet of lot area~~ **address**. ~~Sheds may be placed on the side or rear property line. The roof line must be has to be within the lot line 5' off of the property line. No water hookup to the shed is permitted.~~

(e) Swimming pools shall be constructed behind the front line of the principal structure. Setbacks are as follows: Setbacks from the building line shall be 5 feet; side and rear setbacks shall be ten feet; and screen enclosure setbacks shall be 7½ feet. All swimming pools shall be enclosed as required by the *Florida Building Code*. (See § [7A-53\(8\)](#).)

(f) Portable storage containers - limitations and restrictions.

(1) Portable temporary storage containers shall be allowed in single family residential zoning districts subject to the following:

- a. The property shall be improved with a single family residence.
- b. The container shall remain on the property a maximum of 15 days, including the day of delivery and removal.
- c. A container may be delivered to a site a maximum of three times per calendar year.

d. A minimum of 30 days shall elapse between placements of a container on a property.

e. The container shall be placed on a driveway or in the side or rear yard.

f. When placed on the driveway within the front setback area the container shall be located so that pedestrian and vehicular traffic is not obstructed and so that the view of an operator of a motor vehicle entering or exiting a right-of-way is not obstructed.

g. In the case of a Town-wide declaration establishing emergency conditions the container may remain on a site for the length of time of the civil emergency established pursuant to § 16-4 of the Melbourne Beach Code of Ordinances, but in no event longer than 60 days from the termination date of the emergency unless extended by the Town Commission.

h. In the event the Town of Melbourne Beach is within the area of a hurricane watch the container must be removed within 24 hours of the issuance of the watch or tied down in a manner sufficient to withstand sustained winds of 160 miles per hour.

(2) Portable temporary storage containers used in connection with permitted construction activity may be located in any zoning district subject to the following conditions:

a. The container shall not encroach on sidewalks, rights-of-way, adjacent properties, or obstruct the view of motorists.

b. The container may remain on the lot for the duration of construction authorized by an active building permit.

c. The container shall be removed within 30 days of issuance of a certificate of occupancy or final inspection.

d. The container shall be a maximum of eight feet in width, 16 feet in length, and eight feet in height.

e. Hazardous materials including flammable and biohazard substances shall not be stored in the containers.

f. In the event the Town of Melbourne Beach is within the area of a hurricane watch the container must be removed within 24 hours of the issuance of the watch or tied down in a manner sufficient to withstand sustained winds of 160 miles per hour.

(`75 Code, Appendix A, Art. VII, § 9) (Ord. passed 9-26-72; Am. Ord. 85-7, passed 11-12-85; Am. Ord. 87-02, passed 5-12-87; Am. Ord. 2006-12, adopted 8-14-07; Am. Ord. 2006-17, adopted 3-21-07; Am. Ord. 2017-05, adopted 12-20-17)