



Planning and Zoning Board

MINUTES

June 9, 2020

6:30 P.M.

City Council Chambers
and via Communications Media Technology*

1. PLANNING DIRECTOR REPORT

Planning Director Fischer spoke regarding the need for virtual meetings during the COVID-19 pandemic.

2. CALL TO ORDER

Chairman Jaudon called the meeting to order at 6:30 p.m. with the Pledge of Allegiance.

3. ROLL CALL

Present were: Chairman Chris Jaudon
Board Member Rob Brothers
Board Member Paul Bernkopf
Board Member Anna Kapnoula
Board Member George Cronin
Board Member Jim Liesenfelt

Absent was: Vice Chair Jennifer Spagnoli

Moved by Board Member Brothers, seconded by Board member Kapnoula to excuse the absence. Motion passed, 6-0.

4. MINUTES

Planning and Zoning Board Meeting of May 12, 2020

Moved by Board Member Liesenfelt, seconded by Board Member Brothers to approve the minutes. Motion passed, 6-0.

5. PUBLIC HEARING(S)

a. Code Amendments to the Land Development Regulations – Chapter 98, Zoning, Temporary Relocation Housing, Flat Roofs with shielding in the I-B and GTWY-I Zoning Districts – (LDR 2019-03)

Staff is proposing code amendments to the City's land development regulations to allow temporary relocation housing by individuals who have been displaced from their primary residence due to damage from a disaster; and to allow flat roofs with shielding of roof equipment in the IB (Integrated Business) and GTWY-I (Gateway Interchange) zoning districts.

Applicant: City of West Melbourne
Location: Citywide

The proposed code changes will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

Planning Director Fischer presented the staff report. She explained the proposed code amendments were to address the prohibition against flat roofs for residential and to clarify the code to prevent any misunderstanding about whether flat roofed residential units are allowed in the Gateway Interchange and Integrated Business districts by striking the word "non-residential". The other code change is to allow temporary relocation housing for individuals displaced due to a declared emergency. She explained the code revision process and that currently the city has no allowances in its residential zoning districts for temporary housing structures to be located on the same property as the damaged homes. At this time if a disaster is declared by the Governor of Florida, City codes prohibit RV's and mobile homes to be on the same site of a single family lot or multi-family lot. With this proposal the temporary placement of RV's and trailers would be allowed for a period of 24 months with a permitting process. She explained staff reviewed documents from FEMA and other local governments regarding temporary housing units to propose a process to allow the temporary housing that would meet basic life, safety and setback codes. She talked about FEMA's role when handling interim housing in response to a disaster and their temporary housing criteria. She recommended the following motion:

The Planning and Zoning Board recommends that Council approve the first reading of Ordinance No. 2020-03 that revises the Gateway Interchange, Integrated Business Districts and allows temporary housing units after declared disasters.

Chairman Jaudon opened the public hearing and asked for comments from the audience. Seeing none, he closed the public hearing.

Discussion Included:

- The City Attorney advised a disaster is declared at the state level.
- The code would apply to any declared disaster.
- Utilities required – electrical, water and sewer
- Permitting statement was too open ended should be limited and guided by something referenced like the "Southern Building Code". Planning Director Fischer explained that she would get with the Building Official on the referenced code for permitting to clarify the language in subsections 10b and 7.
- Misspelled word in subsection 5.

- Subdivision deed restrictions that might restrict the placement of temporary housing on the same lot as the permanent house would supersede the code.

Moved by Board Member Brothers, seconded by Board Member Kapnola recommend that Council approve the first reading of Ordinance No. 2020-03 that revises the Gateway Interchange, Integrated Business Districts and allows temporary housing units after declared disasters with the suggested changes to correct the typo in Section 5, and changes in Section 10b and 7. Motion passed, 6-0.

b. Code Amendments to the Land Development Regulations – Chapter 86, Subdivisions, Lot Split clarifications and subdivision code updates – (LDR 2019-03)

Staff is proposing code amendments to the City's land development regulations to add clarifications to the Lot Split process and to update other sections of the subdivision code.

Applicant: City of West Melbourne
Location: Citywide

The proposed code changes will be acted upon by City Council with a recommendation from the Planning and Zoning Board.

Planner Curry presented the staff report. She stated it is a staff proposed change to clarify the lot split process and update the subdivision code. The specific revisions to Chapter 86 update the lot split process, eliminate preliminary and final plat board review thresholds and have the city as the recorder for the final plat in order to be consistent with the Florida Statutes. She presented staff analysis regarding the specific sections to be changed. She concluded with the following recommended motion:

Based on the analysis and discussion in this staff report, staff suggests that the Planning and Zoning Board make a motion for Council to approve the code changes to Chapter 86, Subdivisions to clarify the lot split process and update the subdivision code.

Chairman Jaudon opened the public hearing and asked for comments. Seeing none, he closed the public hearing.

Discussion Included:

- General discussion about the wording of Section 86-14, 7(d) (1) (e), "the applicant must record a covenant stating a lot split has occurred" and how that wording is a little confusing. Planning Director Fischer stated she would look at the wording and clarify. There is a typo in Section 86-15 – Capital "T".
- Questions about what form a covenant can take. City Attorney Richardson explained it is a recorded declaration or covenant and a matter of record to make sure after a lot split if the property is further divided, the owner would have to go through the subdivision process as outlined in the Florida Statutes and City Code.
- Planning Director Fischer explained since developers were having issues with having missing information or documents for the Clerk of Court when recording the final plats, it makes more sense for the City to record the final plats to ensure the recording gets accomplished.

Moved by Board Member Brothers, seconded by Board Member Kapnoula recommending City Council to approve the code changes to Chapter 86, Subdivisions to clarify the lot split process and update the subdivision code with the changes to the wording of Section 86-14, 7(d) (1) (e), and the correction of the typo in Section 86-15. Motion passed, 6-0.

6. BOARD MEMBER REPORTS

There was discussion among the board members regarding roadway projects and development in the City.

7. ADJOURN

Chairman Jaudon adjourned the meeting at 7:21 p.m.