

MEETING MINUTES FOR THE  
TOWN COUNCIL WORKSHOP MEETING  
WEDNESDAY, MARCH 3, 2010 AT 7:00 P.M.  
TOWN HALL, 4240 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Town Council Workshop Meeting of March 3, 2010 was called to order at 7:00 p.m. by Mayor Yonts, followed by the Pledge of Allegiance led by Council Member Bryan, and roll call to the Council Members with the following present:

Mayor – Del Yonts	Town Administrator Richard Hood
Seat No. 1 – Joe Hackford	Town Clerk Susanne Krueger
Seat No. 2 – Lisette Kolar, Vice Mayor	
Seat No. 3 – Pat Bryan	
Seat No. 4 – Jason Mahaney	
Seat No. 5 – Dan Faden	

EXCUSE COUNCIL MEMBER DEMOTT

Mayor Yonts stated that Council Member DeMott emailed Town Hall requesting to be excused because she was ill. Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to excuse Council Member DeMott.

AGENDA ITEMS

Town Administrator Hood stated that Miller Legg and the Local Planning Agency made some changes to the existing Land Development Regulations as shown by words stricken through or underlined for signs, approval for business tax receipts, approval of home occupations, and accessory building and accessory use standards.

1) Home occupations for business tax receipt

Town Administrator Hood stated that he received requests from contractors and building trades to allow them to obtain a home occupation permit because they generally use the computer, telephone and a briefcase to operate their business. He stated that the storage of equipment and storage of materials are currently not permitted. He read into the record an email from Mr. Tom Sammon which in summary stated that most small contractors and tradesmen in town operate out of a truck, van or trailer and does not have an impact on neighbors and should be treated as other home based businesses. Mr. Sammon stated that he believed the original intent to ban contractors was to stop the storage of material and vehicles at residential properties, and if it becomes a problem then it is a code enforcement issue.

Council Member Bryan was concerned about the difference between landscaping and lawn service. Mr. Hood explained that a landscape company has heavy equipment like a backhoe and bobcat, storage bins for mulch, and the loading/unloading of material which would keep this out of a home occupation. Mr. Hood stated an example of landscaping company would be Reel Changes where they could not exist unless customers came there and home occupations do not allow traffic to homes. Council does not want all home based contractors in town to be a storage yard. Vice Mayor Kolar stated that building trades from subcontractors to contractors are okay, opposed to equipment in Residential, AU is okay. Mr. Hood stated that AU zone is agricultural/residential and if they are a farm they need an agricultural exemption.

Denni Burr requested that landscaping be further defined in the codes. Mark Pagliarulo stated that he feels a Kubota tractor or a bush hog should not be considered heavy equipment and that a lot of people have been storing equipment for years and there have been no complaints from neighbors.. Joe Mullins stated that a backhoe has to be in an enclosed trailer but not on a flatbed trailer. Mike Hoffman stated that there should be no restrictions for contractors who are considered “paper contractors” and suggested that the equipment be behind the house. Homer King stated that the town needs to be careful to allow equipment on AU next to RR zoned where it would be allowing equipment designed for residential. Clay Rogers stated that everything needs to stay neat or property values decrease.

It was Council consensus that they had no problem with the idea of “paper contracting” where the contractor/subcontractor uses the home for his paperwork.

Council Member Faden suggested taking out “contractors and the building trades” and addressing them separately because lawn care equipment may be different from contractor’s equipment. Mr. Hood clarified that lawn care service is the only business that had any restrictions on equipment and that is why it was lumped with contractors and building trades. Council Member Bryan suggested removing “the storage of heavy equipment is not permitted in home occupation” but keeping the part where all equipment is stored in an enclosed trailer, truck, or structure.

When there was a suggestion about defining heavy equipment, Mr. Hood responded that in Section 62.2117 it defines commercial vehicles and heavy equipment, and this is where it can be clarified better and state that these vehicles are allowed in home occupations

It was Council consensus make to changes in the following areas:

- remove “the storage of heavy equipment is not permitted in home occupation”
- define contractors and building trades allowed. Council Member Mahaney stated that he would send Mr. Hood the list.
- obtain a definition for landscaper and landscaping and bring back before Council
- to have Mr. Hood come up with the wording to allow contractors to have more than one employee but not have employees show up at the home.
- remove section where it refers to renewing home occupations annually.
- add to Section 62-1155 (b) (1) second paragraph first sentence “other than normally used”
- change Section 62-1155 (b) (2) third paragraph last sentence to read “ the public hearing requirements shall be those specified in section 62-1151 for amendments to the official zoning map, except that the planning and zoning board shall make recommendations as to permissibility of the home occupation and a final determination is made by the town council.”
- at end of home occupation section it refers to zoning use permit which needs to be clarified

Mr. Hood stated that he received an email from Council Member DeMott concerning the storage of heavy equipment for home occupations and snipe signs. Ms. DeMott was concerned that she would not want to restrict someone who has a land clearing business by any means as long as the equipment is in an enclosed structure. She was also concerned about totally banning snipe signs, even for lost and found, and garage sales; she knows that they can get cluttered or messy at times but she feels it is part of our character to allow them; suggested a way to monitor them and contact the number on the sign and wondered if this was too time consuming.

It was Council consensus to bring home occupations back to another workshop.

Mayor Yonts called for a brief recess at 9:08 p.m.

Mayor Yonts called the meeting to order at 9:26 p.m.

## 2) Accessory building

Town Administrator Hood explained that the current code allows four accessory buildings 600 square feet each but not one 2,400 square foot accessory building. He stated that the Local Planning Agency (LPA) agreed upon the height of the accessory structure shall not exceed the height of the principal structure.

Andy Beard stated that he owns 1.6 acres, the current code allows four buildings but one building is not allowed, and he feels the four buildings detract from his home.

It was Council consensus that they need to place a height limitation. Mr. Hood informed Council that the LPA was looking into using the definition of height as being from the crown of the road to the top of the roof. It was Council consensus to have the maximum height as 35 feet to the peak. Council Member Mahaney recommended that the accessory structure be no larger than the footprint of the house, height be 30 foot to the ridge, and anything over 1,500 square feet cannot be metal siding. Mayor Yonts recommended accessory structure be no larger than the square footage of the house or maximum of 3,500 square feet, add to Table 1 the square footage of the houses, and in RR zoning the maximum accessory structure of 4 cannot exceed the size of the building and height requirement. It was Council consensus to have the maximum height of 30 feet to roof peak, to have maximum square footage be the base area (according to the property appraiser's website) plus garage or maximum of 3,000 square feet whichever is smaller.

Council Member Faden recommended in section 62-2100.5 (1) (j) to exempt (a), (b), and (d). Mr. Hood stated that if the property is zoned commercial, industrial, etc. it will need a site plan approval if the primary use as residence.

It was Council consensus to bring accessory buildings back to another workshop.

## 3) Signs

Mayor Yonts stated that he would not be able to attend the March 31<sup>st</sup> workshop. It was Council consensus to not have a workshop on March 31<sup>st</sup>.

It was Council consensus to state their concerns regarding the sign ordinance and bring back at another workshop. Council concerns are as follows:

- Definition of animated or activated signs
- Definition of billboard signs
- Section 62-3303 (b) regarding commercial or noncommercial speech
- Section 62-3304 nonconforming signs – look at Sebastian sign codes as comparison
- Include definition of farm signs
- Change wherever it refers to code enforcement division, code enforcement special master or town code enforcement division
- Section 62-3305 (6) (d) delete “land development”
- Section 62-3306 (a) (1) delete “billboard signs”
- Section 62-3306 (a) (2) change wordage regarding county building division
- Section 62-3309 (a) (4) snipe signs
- Section 62-3309 (a) (8) animated or activated signs
- Section 62-3310 clarify where it refers to Brevard County adopted building and electrical code, and Brevard County Building Department
- Section 62-3316 (b) regarding free-standing signs size, separation, and maximum height
- Section 62-3316 (g) regarding maximum number of flags
- Section 62-3317 (1) regarding temporary signs setback/size, time limitation, and temporary political campaign signs
- Section 62-3317 (2) regarding temporary signs located in town right-of-ways, size and construction of model home and open house signs, and maximum numbers allowed
- Section 62-3317 (3) regarding portable signs
- Section 62-3317 (4) regarding temporary construction signs

ADJOURN

Motions by Council Member Mahaney, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 11:38 p.m.

(signature on file)

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Del Yonts, Mayor

ATTEST:

(signature on file)

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Susanne R. Krueger, Town Clerk