

TOWN OF MALABAR

PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, DECEMBER 10, 2008
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE
- B. ROLL CALL
- C. ADDITIONS/DELETIONS/CHANGES
- D. CONSENT AGENDA
 - 1. Approval of Minutes
 - Regular Planning and Zoning Meeting – 11/12/08
 - Regular Planning and Zoning Meeting – 11/19/08
 - Exhibit: Agenda Report No. 1
 - Recommendation: Motion to Approve
- E. PUBLIC HEARING: None
- F. ACTION:
 - 2. Request for Fence Columns to 6' – Dennis and Amelia Mallory, 2555 Cason Lane, Malabar
 - Exhibit: Agenda Report No. 2
 - Recommendation: Discussion
 - 3. Request for Approval for Tree Farm in RR-65 Zoning – Josh Reidenauer, 1750 Shiflett Lane, Malabar
 - Exhibit: Agenda Report No. 3
 - Recommendation: Discussion
- G. PUBLIC:
- H. OLD BUSINESS/NEW BUSINESS:
 - 4. Fence Height Ordinance
 - Exhibit: Agenda Report No. 4
 - Recommendation: Discussion
- I. ADJOURN:

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: December 10, 2008

Prepared By: Denine Fusco-Scarbro, Planning Zoning Secretary

SUBJECT: Approval of minutes

BACKGROUND/HISTORY:

The DRAFT minutes from 11/12/08 are ready for Board review.
The DRAFT minutes from 11/19/08 are ready for Board review.

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

ATTACHMENTS:

- Draft minutes of 11/12/08
- Draft minutes of 11/19/08

ACTION OPTIONS:

Motion to Approve

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
NOVEMBER 12, 2008 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	VACANT
ALTERNATE:	CINDY ZINDEL- excused
ALTERNATE:	LIZ RITTER - excused
SECRETARY:	DENINE FUSCO-SCARBRO,

Also present: TOWN/CLERK- FRANKLIN

C. ADDITIONS/DELETIONS/CHANGES: NONE

D. NOMINATION AND ELECTION FOR P & Z CHAIR TO SERVE 2008/2009

MOTION: Reilly/Krieger nominated Bob Wilbur for Chair. No other nominations. **Vote:** All Ayes

E. NOMINATION AND ELECTION FOR P & Z VICE-CHAIR TO SERVE 2008/2009

MOTION: Ryan/Krieger nominated Pat Reilly for Vice-Chair. No other nominations. **Vote:** All Ayes

F. CONSENT AGENDA

1. Approval of Minutes

Regular Planning and Zoning Meeting – 10/08/08

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

MOTION: Reilly / Krieger to approve P&Z minutes of 10/08/08 as submitted: **Vote:** All Ayes.

G. PUBLIC HEARING:

2. Developer Recreational Fee Amendment (Ord. 2008-14)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE XVII OF THE MALABAR LAND DEVELOPMENT CODE; AMENDING SECTION 1.17.1.H.4 RELATING TO THE USE OF FEES IN LIEU OF LAND DEDICATION FOR PARKS AND RECREATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Discussion

Wilbur reads Ord. 2008-14, opens to public for discussion. Discussion is closed to the public and brought back to the board for discussion.

Reilly makes a motion to recommend to Council to approve Ord. 2008-14.

MOTION: Reilly/Ryan to recommend to Council to approve Ord. 2008-14 with the correction as marked. Vote: All Ayes.

3. Amend Signage Regarding Political Signs (Ord. 2008-15)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING ARTICLE XIX OF THE LAND DEVELOPMENT CODE RELATING TO POLITICAL SIGNS; PROVIDING FOR A REGISTRATION FORM; PROVIDING FOR COMPLIANCE WITH STATE LAW CONCERNING THE PLACEMENT OF POLITICAL OR CAMPAIGN SIGNS, ADVERTISEMENTS AND/OR POSTERS IN A STATE OR COUNTY ROAD RIGHT OF WAY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Exhibit: Agenda Report No. 3

Recommendation: Discussion

Wilbur reads Ord. 2008-15, opens to public for discussion. Discussion is closed to the public and brought back to the board for discussion.

MOTION: Reilly/ Krieger to recommend to Council to approve Ord. 2008-15

Discussion among the board, Krieger's concern if you are a candidate with in the town you are already registered .If you are filling all necessary paperwork it is obvious you are going to be putting up political signs. Limit size of signs to standard size. It is going to be difficult for outsiders.

We have no control over Babcock Street, Malabar Road, and U S 1.

Franklin explains, our code is unclear signs are allowed on all public and private ROW as long as they are three feet off the edge of the pavement from edge of roadways they are ok. FL Statue 106 it states: shall be no political signs on state or county roads.

If everybody that puts up signs is registered, it will be an easy way of contacting them if there is a problem with the sign.

Wilbur, agrees someone needs to be responsible for signage it is a good idea to have information for code enforcement.

Reilly discusses with Franklin, about primary elections, if you win or lose and when signs can be put up or taken down. Franklin explains it is 80 days prior to election in August, and 80 days prior to November election. If they win primary they can keep signs up to the end of election. The signs must be taken down 5 days after election.

Ryan suggests if this gets adopted, a copy of Ordinance is give to candidate.

Krieger would like to see a maximum size for legal signs, there is a maximum 16 sq feet. Discussion, among board about different size formation of the 16 sq feet. Krieger thinks 2' x 2' is good size for being a rural town, most roads are side streets.

We can send recommendation for smaller size signs.

MOTION: Wilbur/Krieger motion to modify to limit the size of signs, part of process to give Ordinance information: All Ayes

Reilly is happy with the 16 sq feet size signage, Wilbur is ok with the way it is, if Council would like us to look into uniform signs for Malabar, placement area, etc at direction of Council if they would like us to go further with that.

H. ACTION:

4. Request for Gate Resolution – Eva Lane

Exhibit: Agenda Report No. 4

Recommendation: Discussion

Armando Martinez, 1780 Eva Lane, at stand,

I understand the gate has to be 6 ft, I am not going to come up with a bunch of excuses, I except responsibility for it, I think it looks good the way it is. I want to be a good neighbor. If it has to go to 6 feet I am ready to pay whatever it is to make the gate 6 feet. I understand, but anything less than that would look awkward because the size of the property. Mr. Martinez thanks Roger and staff for their assistance during this process.

Ryan asks about the height of columns, they are approx. 7 feet and need to be cut to 6 feet as well.

Mr. Martinez is asking for a favorable recommendation to 6 feet, if you look at the property the set back a small gate will not look as good.

Reilly asks about frontage fencing and side fencing, it is in the process, but all was stopped until this is resolved. The fence is 4 foot wood, white split fence. (3 rail horse fence). You could see through the gate now. I understand a rule is a rule, states Mr. Martinez. The property sets back.

Wilbur asks the distance of the columns from the edge of the road; Mr. Martinez said about 25 feet.

Wilbur asks Roger the B.O. if a fire truck can get in the entrance way and Roger said, he sees no problem. Mr. Martinez stated the gate is 18 feet wide.

Krieger discusses that the Mayor was looking for 30 feet from the road for the gates to be set back from the road to have an adequate radius.

Wilbur, entry and gate ways set back to accommodate fire trucks and emergency service and also to enable people to have a statement at the front and still meet requirements for fences.

MOTION: Reilly/ Krieger make recommendation to Council the approval of 6 foot columns and gate at 1780 Eva Lane. Vote: All Ayes

Ryan, the maximum height of any structure being 6 feet. Mr. Martinez has to cut columns and gates to adjust height and he understands rules are rules.

I. DISCUSSION ITEMS:

5. Comp Plan Evaluation and Appraisal Report Amendments

Exhibit: Agenda Report No. 5

Recommendation: Discussion

Franklin explains review for recommendations for to approve of EAR Amendments. Reilly asks if there is going to be a summarized report on the EAR Amendments for review and Franklin discussed with Town Attorney that this is a legislative item not a quasi judicial , discussion on item should done at meeting you are going to make your vote on. You will be given these

Amendments to take home and review and bring your responses back at night of meeting. You will be voting on to recommend to Council to approve the EAR Amendments with your suggestions.

Reilly discusses through this whole process of the EAR Amendments I believe the process has gone well.

Wilbur, asks about Brevard hardwoods being commercial? This should be Limited Commercial land use not Commercial General, Franklin explains about future land use map that this is not an option on that map.

Krieger adds the titles of land use are different. It is clarified that Limited Commercial is in zoning map, not land use.

He review on this packet is for homework for the next P & Z meeting which is next Wednesday (11-19-08).

Krieger discussed the property at north side of Rocky Point- Coastal Jewel (500-600 foot), they own two piece on coast, they do not own a middle section which on the coast.

Franklin asks that Krieger e mail this location on coast to her for her review.

J. OLD BUSINESS/NEW BUSINESS:

6. Alternate and Opening on P&Z Board

Exhibit: Agenda Report No. 6

Franklin explains she heard from Cindi Zindel today (11-12-08) she will be back after Thanksgiving Holiday. I explained the reason of commitment; she said she is content as an alternate.

Franklin explains to board about Liz Ritter to become a name to fill a vacancy.

Ryan asks about someone not being here 6 months out of year and if this is a problem. Wilbur explains that it was explained to Council but due to the fact Zindel was not here to be informed of the situation.

Ryan asks has anyone questioned the wisdom of someone not being here 6 months of the year. Franklin, has another application for board, Bridget Ports' application is going to the Council to appoint to P & Z Board.

Recommendation: Discussion

7. P&Z Procedures

Exhibit: Agenda Report No. 7

Recommendation: Discussion

Wilbur approval of planning procedures, Board approves procedures and compliments Franklin on fine job.

K. PUBLIC

Ms Hirsh brought up about acknowledgement of Mr. Cameron's service to the Board, Franklin explained a plaque is being done to present to him for his service on the P & Z Board.

Reilly asked about if there are any new and upcoming projects for P & Z to review. Krieger brings up about the potential barn stalls in the Oakmont Preserve subdivision on Marie Street. This is discussion with Franklin and Krieger and clarified.

Wilbur questions about what Code Enforcement is doing about the restaurant (Malabar Grill & Café) on US-1 and the house by Post Office that has overgrowth on property. This needs to be directed toward BWF who handles Code Enforcement. A Citizen Contact needs to be filled out, Franklin explains to Wilbur.

Staff needs to ask BWF about these two projects.

Ryan states the Malabar is a reactive not proactive Town

L. ADJOURN:

There being no further business to discuss, **MOTION:** Reilly / Ryan to adjourn this meeting.
Vote: All Ayes. The meeting adjourned at 8:35PM.

BY:

Bob Wilbur, Chair

Denine Fusco-Scarbro, Secretary

Date Approved

DRAFT

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
NOVEMBER 19TH, 2008 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR, excused
VICE-CHAIR:	PATRICK REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER, excused
ALTERNATE:	CINDY ZINDEL, excused
ALTERNATE:	BRIDGET PORTS
SECRETARY:	DENINE FUSCO-SCARBRO

Also present: Mayor Eschenberg, Debby Franklin, Town Clerk and Lorraine Tappen- Calvin, Giordano & Associates, Inc. representative for (EAR)

C. ADDITIONS/DELETIONS/CHANGES:

Franklin, Town Clerk swears in new board member, Bridget Ports. Board members welcome Bridget Ports to the board. Reilly states, Ports will be voting tonight.

D. CONSENT AGENDA

E. PUBLIC HEARING:

2. Capital Improvement Element (Ord. 2008-17)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Action

Reilly opens public hearing to the public and reads Ord.2008-17. No one from the public comes forth. Reilly closes to the public and brings it back to the board for discussion. No Discussion. Reilly confirms this Ordinance 2008-17, was published in Florida Today Newspaper on November 7th, 2008.

MOTION: Krieger/ Ryan to approve Capital Improvement Element (Ord.2008-17)

ROLL CALL VOTE: Krieger, Aye; Reilly, Aye; Ryan, Aye; Ports, Aye.

3. Public School Facility Element (Ord. 2008-19)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN BY ADDING A NEW CHAPTER 10, PUBLIC SCHOOL FACILITIES ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Action

Reilly opens public hearing to the public and reads Ord.2008-19. No one from the public comes forth. Reilly closes to the public and brings it back to the board for discussion. No Discussion.

MOTION: Krieger/ Ryan to approve Public School Facility Element (Ord.2008-19)
ROLL CALL VOTE: Krieger, Aye; Reilly, Aye; Ryan, Aye; Ports, Aye.

4. Evaluation & Appraisal Report (EAR) Amendments (Ord. 2008-18)
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT THE (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AND PROVIDING FOR SEVERABILITY, CONFLICT AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Recommendation: Action

Reilly opens public hearing to the public and reads Ord.2008-18. No one from the public comes forth. Reilly closes to the public and brings it back to the board for discussion.

Discussion- Krieger has questions, first question is about Coastal Management Element is this already in the PDF is it already updates as far as the memos? Lorraine Tappen who is with Calvin, Giordano & Associates, Inc (EAR) explains that the updates have not been made yet, they are waiting on affirmation from the P & Z Board and Town Council for moving forward. Krieger, on last page asking about things we talked about but we don't want to do, are these things that must be worked out sometime in the future? Lorraine explains, no absolutely not, I just made recommendations for amending the Base Amendments, the last page of the memo were other notes made so they were down on paper, also there for the record. If any of the Boards felt if any changes need to be made into the Base Amendments, then this could be discussed.

Krieger discusses about the mail boat dock, there was confusion, there were two, one was the steam boat dock and the other was the sail boat dock the original post office was to the north. To clarify that the Town dock is currently located and tell it is there. It was a mail boat but also a freight boat, it was steam boat and that is why they needed a 400' dock. The sail boat could pull up to shore, small dock to the north, by the Mule Canal, Krieger has been doing some research on the history, currently exactly at latitude 28, which is north of Malabar Road.

Krieger discussing Policy 5-1.2.5 could not find in book. Lorraine is going to research; this is to add two new Policies. She believes the numbers are correct and they are going to be inserted on page 514 after 5-1 2.2 and 5-1 2.3.

Krieger brings up another point at the Conservation Element, Policy 6-1.2.3 about the septic tanks. Lorraine explains about state law about gravity sewer going by an existing septic then that property owner needs to hook at this point you do not have a gravity sewer, so no one is required to currently hook up to public sewer systems.

Krieger discussion with Lorraine about page 5 of Memo about the Future Land Use Element, Lorraine explains the process that was used to determine existing and future land use, they used the Property Appraisals data site, codes based upon the town and information collected from the town Boards. Lorraine goes on to explain that no future land use map changes have been made at this time.

Reilly, discusses about page 1 of memo Transportation Element, Add policy 2-1.4.8 as follow : Explore options for equestrian crossing of Malabar Road within greenway plans.

He states this is not mandatory, but an option, he does not think this will ever happen due to the fact that Malabar Road is a state road.

Ports concern is that this is an equestrian community and it is an important feature, due to the fact there are many trails to the north of Malabar Road.

Ryan, suggests a safe crossing across Malabar Rd.

Reilly discusses page 5 in the memo section of Public Facility Element, about adding a master drainage map, he explains that this is a stand-alone document. It should not be in a plan.

Krieger and board discuss the historical clarifications and locations of the post office and mail boat dock for point of entry. Lorraine suggests speaking to FDOT and creating an official history for the Town. The reason for accurate location of historical sites is for historical funding. The recommendation to the Council is listed below for location of the post office- mail boat.

***RECOMMENDATION TO COUNCIL: PAGE 5-4.... LOCATED JUST NORTH OF MALABAR ROAD. LATER THE STEAM BOAT ARRIVED AND DROPPED OFF MAIL FURTHER TO THE SOUTH AT ORANGE AVENUE.**

Reilly asks no further discussion, except for recommendation and change of verbiage.

MOTION: Krieger/ Ryan to approve Evaluation & Appraisal Report (EAR) Amendments (Ord.2008-18) with recommendation to Council to change verbiage in above statement.

ROLL CALL VOTE: Krieger, Aye; Reilly, Aye; Ryan, Aye; Ports, Aye.

Reilly stated, this two year EAR plan has been pleasurable and hopefully Council will approve as well.

F. ACTION:

G. DISCUSSION ITEMS:

H. OLD BUSINESS/NEW BUSINESS:

Krieger asks about when next regular P & Z meeting is going to be, Franklin responds December 10th, 2008.

Ryan discusses the Eva Lane fence/ gate issues, Franklin explains that Shondalyn Roberts has until January 2009 to complete permit.

Reilly explains that Mr. Martinez with the gate height issue was tabled at the Council meeting. Franklin told the Board that a letter was sent to the two residents on Eva Lane and right now everything is on hold while being researched by staff, and the Town Attorney.

Ports and the board discuss the fence and gate issues around the town.

Reilly explains three reasons for the concerns he has for fence/ gate Ordinances,

- #1 New construction without a permit.
- #2 Article V explains the height restrictions.
- #3 This has been hashed out since 1995 when the original fence Ordinance states columns and gates are included with fence restrictions.

I. ADJOURN:

There being no further business to discuss, **MOTION: Krieger / Ryan to adjourn this meeting.**

Vote: All Ayes. The meeting adjourned at 8:43 PM

BY:

Patrick Reilly, Vice Chair

Denine Fusco-Scarbro, Secretary

Date Approved

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: December 10, 2008

Prepared By: Denine Fusco-Scarbro, Planning & Zoning Secretary

SUBJECT: Request for Fence Columns

BACKGROUND/HISTORY:

This is a request from a property owner that wants to put fence columns at a height of six (6) feet. They are allowed to go up to 54 inches in RR-65 zoning. The property owner has recently gotten a temporary Certificate of Occupancy on their home and would like to complete their fence.

He is requesting a favorable recommendation from this Board to Council to allow the six foot height on the columns. The columns as constructed to date are over six (6) feet.

The culvert is not an item for the P&Z Board. Culvert are covered in the Code book and are under the jurisdiction of the Building Official and the Town Engineer.

He will be here to answer any questions.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

- Agenda Request Form from the Mallorys
- Pictures of columns
- Property Appraiser Map
- Portion of Code

ACTION OPTIONS:

Staff seeks recommendation to Council concerning this matter.

2



**AGENDA ITEM REQUEST FORM
MALABAR PLANNING & ZONING**

Please submit the completed form to the Clerk's Office:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: Dennis & Amelia Mallory

ADDRESS: 2555 Casson Lane
Malabar, Fl 32950

TELEPHONE: 321-723-4694 (Home) 321-508-1425 (Business)

Please state the item you wish to have placed on the Planning & Zoning Agenda: Agenda Request Forms are not permitted for campaign purposes.

- ① Leaving temp Culvert
- ② 6' Columns request

Please summarize pertinent information concerning your request Agenda item and attach applicable documents:

- ① we would like to leave temp culvert in place until we install cement inground pool so trucks don't destroy concrete Driveway
- ② we would like to have columns at driveway entrance to property to be at 6' so when gate is installed there would be greater support for gate.

Please state desired action by Planning & Zoning:

- ① allow temp culvert to stay in place until pool is installed and then culvert would be removed.
- ② allow us to have columns at prop entrance on sides of Driveway to be at height of 6'.

Signed: [Signature]

Date: 11/21/07

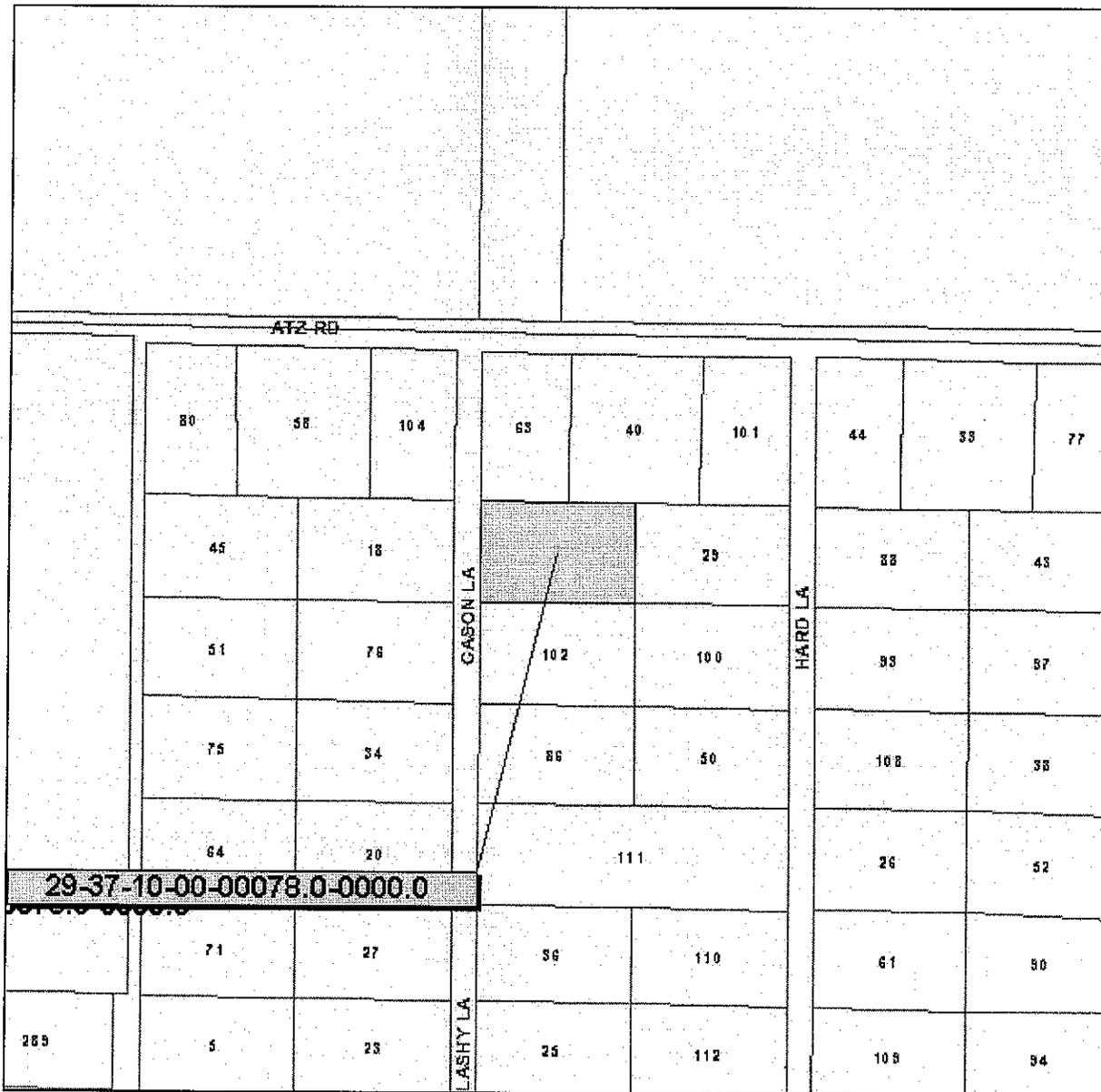
TAKEN : 12-5-08

* COLUMNS ARE 6.6 FT HIGH, PLUS LIGHT FIXTURE



2555 EASON LAKE - MALLOREY RESIDENCE

Jim Ford, CFA Brevard County Property Appraiser - Map Search



Zoom To	New!	Account	Owner	Property Address	Parcel Identifier
1	Aerial	2931265	MALLORY, AMELIA	2555 CASON LN	29-37-10-00-00078.0-0000.0

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: December 10, 2008

Prepared By: Denine Fusco-Scarbro, Planning & Zoning Secretary

SUBJECT: Request for Agricultural Tree Farm

BACKGROUND/HISTORY:

This is a request from a property owner that wants to grow palm trees on his 2.66 parcel in RR-65 Zoning. Agricultural uses are allowed in RR-65. He stated this is not going to be a commercial or retail operation. Wholesale agricultural activities are permitted in RR-65 zoning.

Since there was some confusion about what the zoning was and what is allowed on this parcel, staff felt it would be appropriate to have P&Z acknowledge what the property owner is doing so it can go in the file. This will not be going to Council unless P&Z finds cause to send it for some additional reason.

The property owner will be here to answer any questions.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

- Agenda Request Form from Mr. Reidenauer
- Pictures of trees will be on overhead at meeting
- Property Appraiser Map
- Portion of Code

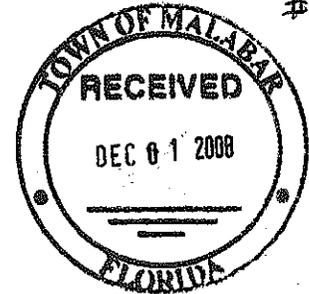
ACTION OPTIONS:

Staff seeks discussion of this type of development.



P+Z 12/10/08

3



**AGENDA ITEM REQUEST FORM
MALABAR PLANNING & ZONING**

Please submit the completed form to the Clerk's Office:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

NAME: JOSH REIDENAUER

ADDRESS: 1750 SHIFLETT LANE

MALABAR, FL 32950

TELEPHONE: 727-2575 258-4243
(Home) (Business)

Please state the item you wish to have placed on the Planning & Zoning Agenda: Agenda Request Forms are not permitted for campaign purposes.

TO PERMIT US TO GROW PALM TREES ON OUR PROPERTY ON THE CORNER OF MALABAR ROAD AND SHIFLETT LANE.

Please summarize pertinent information concerning your request Agenda item and attach applicable documents:

WE PURCHASED THE PROPERTY THIS YEAR. WE HAVE SINCE CLEARED AND CLEANED UP THE PROPERTY. STILL WORKING ON THE HOME. WE HAVE ALREADY PLANTED PALM TREES ON THE LAND. OUR PLAN IS TO GROW TREES AND REPAIR THE HOME ON THE PROPERTY.

Please state desired action by Planning & Zoning:

PERMIT US TO CONTINUE GROWING THE TREES ON THIS PROPERTY WHICH IS ZONE SINGLE FAMILY RESIDENTIAL

Signed: [Signature]

Date: 12-1-08

Article III

DISTRICT PROVISIONS

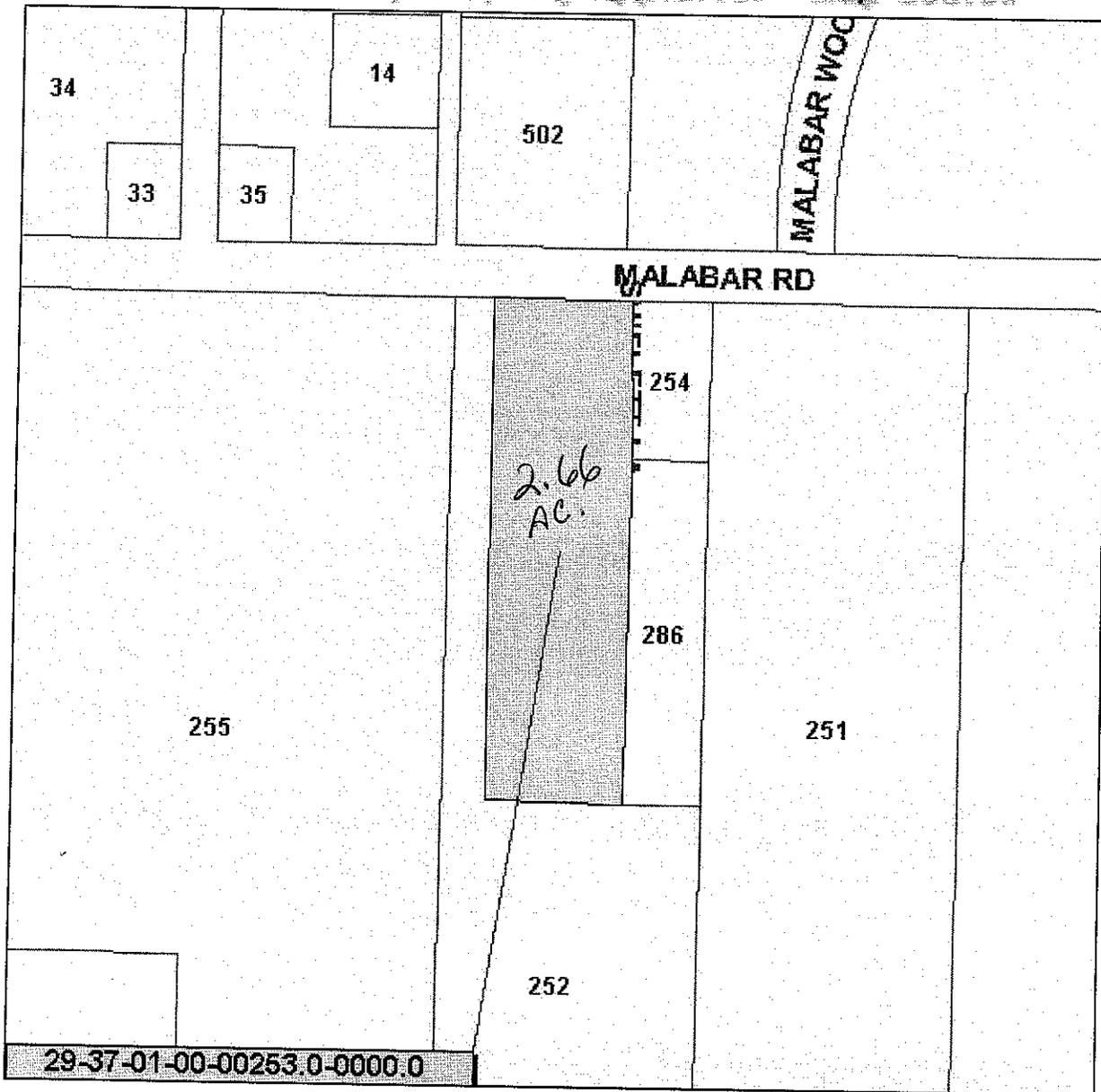
This article describes the purposes and intent of each zoning district, identifies permitted and conditional uses by zoning district, and provides size and dimensional regulations for respective zoning districts.

Section 1-3.1. Purpose and intent of districts.

This section presents the basic purpose and intent of each zoning district.

- A. *CP "Coastal Preserve."* The CP district was originally established by the Town Council through Ordinance Number 7-1-76, § 5.12 and Ordinance Number 7-12-79 § 1. This district is intended to preserve a narrow strip of land east of highway US 1 directly abutting the Indian River Lagoon, a State designated Aquatic Preserve. The district provisions are intended to assist in implementing land use, coastal management, and conservation goals, objectives, and policies within the comprehensive plan. For instance, the district provisions reduce exposure to natural hazards to persons or property as a result of windstorms and high tides; preserve the marine resources of the Aquatic Preserve; and restrict usage to noncommercial piers, boat slips, and docks.
- B. *RR-65 "Rural Residential."* The rural residential district is established to implement comprehensive plan policies for managing rural residential development at a density not to exceed one and one-half (1.5) acres per dwelling unit. The district is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lot rural residential home sites. The areas designated for rural residential development generally contain few urban services and the street system is generally incapable of carrying traffic generated by more intense urban development. The district is intended to accommodate and preserve a unique lifestyle which cannot be accommodated in more dense residential areas.
- C. *RS-21 "Single-Family Low-Density Residential."* This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The RS-21 district is established in order to protect the quality and character of existing and future conventional single-family low-density neighborhoods, preserve open space, and manage future densities in order to assure compatibility with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- D. *RS-15 "Single-Family Medium-Density Residential."* The RS-15 district is designed to accommodate traditional single-family development on lots not less than 15,000 square feet. The district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing

Jim Ford, CFA
Brevard County Property Appraiser - Map Search



Zoom To	New!	Account	Owner	Property Address	Parcel Identifier
1	Aerial	292216Z	REIDENAUER, JOSH	1750 SHIFLETT LN	29-37-01-00-00253.0-0000.0