



**PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, JUNE 25, 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 – June 11, 2008**
 - Exhibit: Agenda Report No. 1**
 - Recommendation: Motion to approve**
- E. PUBLIC HEARING**
- F. ACTION**
- G. DISCUSSION ITEMS – General Items**
 - 2. Request for Sign in Malabar ROW by Jim Noble**
 - Exhibit: Agenda Report No. 2**
 - Recommendation: Discussion and Direction**
 - 3. Draft Land Development Code**
 - Exhibit: Agenda Report No. 3**
 - Recommendation: Discussion and Direction**
- H. OLD BUSINESS/NEW BUSINESS**
- 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.

In compliance with the Americans With Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: June 25, 2008

Prepared By: Michele Kelly, Secretary to P&Z

SUBJECT: Approval of P&Z Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meeting
Regular P&Z Meeting - June 11, 2008

ATTACHMENTS:

- Minutes from Planning and Zoning regular meeting June 11, 2008

ACTION OPTIONS:

Motion to Approve

TOWN OF MALABAR – PLANNING & ZONING ADVISORY BOARD

June 11, 2008 MEETING MINUTES

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 7:33 pm. Prayer and Pledge led by Chair Bob Wilbur.

B. ROLL CALL

ROLL CALL:

Bob Wilbur, Chair
Patrick Reilly, V-Chair
Richard Cameron
Don Krieger
Bud Ryan – excused
Cindy Zindel, Alt. #1 – excused

Michele Kelly, Secretary

C. ADDITIONS/DELETIONS/CHANGES

None

D. CONSENT AGENDA

1. Approval of Minutes

Regular Planning and Zoning Meeting – May 14, 2008

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

Motion: Krieger/Cameron to recommend P&Z approve minutes

P 1 of 3: Item 'D' line 1: "The trees in the middle... being protecting by the dirt..." change to "...being protected by the dirt..."

P 2 of 3: Item 'F' paragraph 4 line 1: "Section 11.75b... churches, or state holders,..." change to "...churches, or stake holders..."

P 3 of 3: 2nd paragraph: Oakmont Preserves to Oakmont Preserve

Vote: All Ayes

E. PUBLIC HEARING: None

F. ACTION: None

G. DISCUSSION ITEMS – General Items

2. Malabar Vernacular

Exhibit: Agenda Report No. 2

Recommendation: Discussion and Direction

Cameron requested clarification on what needs to be worked on. Krieger stated that the Ord. has been voted in to protect the Town and it is believed that there has not been 'tested' but that Council would like P&Z to give a few styles that could be allowed. Krieger would like to see it written in a way that allows an individual the option to get another 'style' approved through the Boards. He believes that there should be several options presented. Wilbur believes that what the Council had in mind was more of a 'Florida Vernacular' for central, east coast Florida.

Krieger suggest four (4) styles along with some restrictions but with a 'relief' (some paragraph) that states that if an owner is outside of these styles/requirements then they can go to the Boards to apply for variances and that allows the Boards options. Wilbur believes it would be good to add landscaping requirements to the vernacular.

Krieger suggests reviewing the vernacular and prepare to talk about specifics.

Wilbur suggested checking with the historical society to get the different "styles."

Styles suggested: Modern, Key West style, Mediterranean style (covers Spanish style), Florida Cracker style

Request to Staff: Copy of the Malabar Vernacular Ordinance.

H. OLD BUSINESS/NEW BUSINESS:

Cindy Zindel is gone until Nov 1, 2008. Currently there are no other alternates resulting in the discussion of alternate opening. On the new website a member who has resigned is still being shown as a member.

On the new webpage, the old minutes are no longer available. In addition, the links are now dead end links. Researching from goggle even goes to a 404 page (error page—page is no longer available). Due to this, research cannot be conducted.

To Staff: Make Town Administrator aware of this problem.

Church on Marie Street, water tank and equipment/machinery now in middle of trail while parking lot is being cleared. Hope that water tank will be gone.

Concern about being kept aware of progress with E.A.R.

To Staff: Involvement of P&Z with E.A.R.

Tom Eschenberg, 2835 Beran Lane

Discussed a "How Shall We Grow" meeting with The Congress of Regional Leaders. At their last meeting they looked at the top 10 priority items. Mr. Eschenberg discussed their item #1: Water. This could be the major impediment to growth and this issue can affect the Land Development Code. Changing the Code in Landscaping, such as outlaw St. Augustine grass, & zero scaping, needs to be looked at. Approx. 70% of water usage goes to irrigation. Mr. Eschenberg believes that some of this usage is most likely used on St. Augustine grass.

I. ADJOURN: at 8:03pm

Motion: Krieger / Wilbur to adjourn

Vote: All Ayes

Michele Kelly, Secretary

Bob Wilbur, Chairman

Date Approved

**TOWN OF MALABAR
PLANNING AND ZONING
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F. ACTION: None

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Michele Kelly, Secretary

Bob Wilbur, Chairman

Date Approved

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 2

Meeting Date: June 25, 2008

Prepared By: Michele Kelly, Secretary to P&Z

SUBJECT: Request for Sign in Malabar ROW by Jim Noble

BACKGROUND/HISTORY:

The location of the requested sign is on the Town of Malabar's Right-of-Way.

ATTACHMENTS:

- E-Mail form Town Clerk/Treasure regarding Jim Noble
- Construction Permit for Directional Sign
- Drawing of Directional Sign
- General Site Map
- Draft of Right of Way Use Agreement

ACTION OPTIONS:

Motion to Approve

Michele Kelly

From: Town Clerk / Treasurer
Sent: Wednesday, June 11, 2008 12:36 PM
To: Michele Kelly; buildingofficial@townofmalabar.org
Cc: linjimnoble@bellsouth.net; brushbusterslci@aol.com
Subject: Jim Noble
Attachments: Right of way agreement.doc

Michele, The request you gave me from Jim Noble deals with land use. Council is going to want P&Z input. Please contact Jim Noble and ask him to come to P&Z tonight and discuss his request and get a recommendation from the Board. I know it is not on the agenda but you can ask the Chair to add it to the agenda. Then do a memo to Council with their recommendation. We should also have a memo from Roger either supporting this permit application or not. We also have allowed stuff in the right of way with a "Hold Harmless Agreement" I have attached a copy for you to share with Roger and the P&Z Board. The agreement would have to be modified to fit this request and then I will send it to the Attorney to review.

Thanks

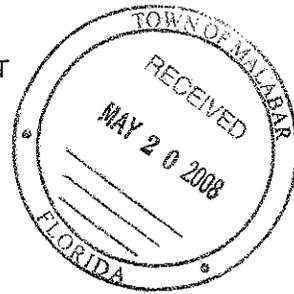
Debby K. Franklin
Town Clerk/Treasurer
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
townclerk@townofmalabar.org
321-727-7764 x12
321-722-2234 Fax

Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of Malabar officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

ACCEPTED BY: DJK
DATE: 5/20/08



BUILDING DEPARTMENT
2725 Malabar Rd
Malabar, FL 32950
Phone: (321) 723-3261
Fax: (321) 727-9997



APPROVED BY: _____
DATE: _____
CHECKED BY: _____
DATE: _____

Construction Permit Application

This application shall be completed in its entirety and shall not be altered in any way.

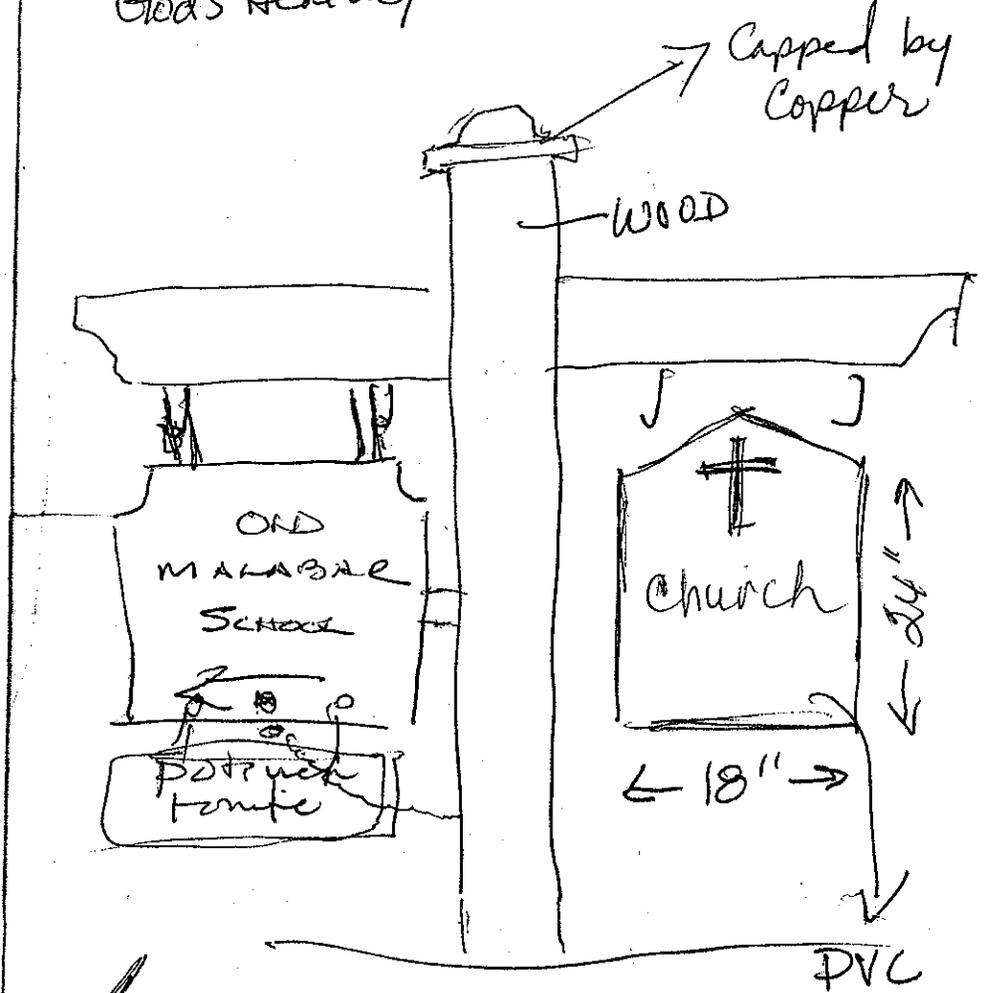
Please visit our web site for forms at www.townofmalabar.org

2004 EDITION OF THE FLORIDA BUILDING CODES AND THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE

<p>Application Date: <u>5/20/08</u> Application Number: _____ Project Name: <u>Sign</u> Project Address: <u>Malabar + Marie SW corner</u> LOT _____ TWP _____ BLK/PAR _____ RNG _____ SUB# _____ SEC _____</p>	<p>Description of Work: <u>Directional double sign on a single post for the old schoolhouse + the Church on</u> VALUE: \$ _____ ZONING: <u>Marie</u> CHECK ONE: RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> CONSTRUCT. TYPE: CBS <input type="checkbox"/> FRAME <input type="checkbox"/> OTHER <input type="checkbox"/> COND. SQ FT.: _____ FLD ZONE: _____ NON-COND SQ FT.: _____ ROOF PITCH: _____ TOTAL SQ FT.: _____ # SQUARES: _____</p>
<p>PROPERTY OWNER INFORMATION NAME: <u>Jim Noble</u> ADDRESS: <u>1490 Marie St.</u> CITY: <u>Melbourne Bch</u> STATE: <u>FL</u> ZIP: <u>32951</u> PHONE: <u>(321) 727-7353</u> CELL: <u>(407) 591-6370 (Linda)</u> FAX: _____ E-MAIL: <u>linjinnoble@bellsouth.net</u> MORTGAGE LENDER'S NAME: _____ ADDRESS: _____ BONDING COMPANY: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____</p>	<p>CONTRACTOR INFORMATION BUS. NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ PHONE: () _____ FAX: () _____ CELL: () _____ E-MAIL: _____ QUALIFIER: _____ CERT. OF COMPETENCY #: _____ CERT./REG. #: _____</p>
<p>ARCHITECT/ ENGINEER'S NAME: _____ ADDRESS: _____ CITY: _____ STATE: _____</p>	<p>SUB CONTRACTOR INFORMATION ELECTRICAL CONTRACTOR: _____ ADDRESS: _____ PHONE: () _____ CERT #: _____ PLUMBING CONTRACTOR: _____ ADDRESS: _____ PHONE: () _____ CERT #: _____ HVAC CONTRACTOR: _____ ADDRESS: _____ PHONE: () _____ CERT #: _____</p>



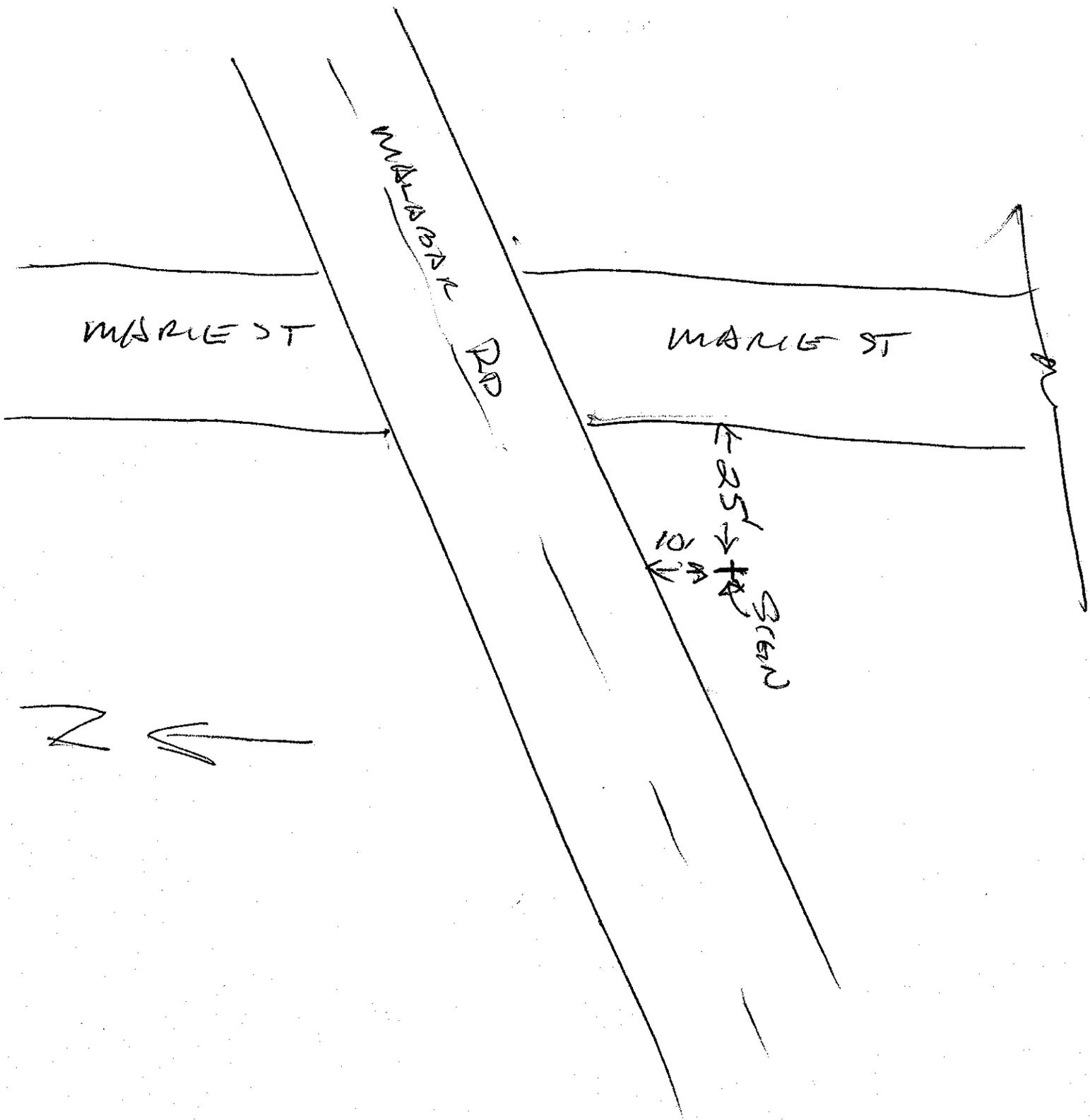
Jim & Linda Noble - schoolhouse
God's Healing Holiness - Parsony



Please advise about the height and placement (location on the lot)

5/6/2008

http://www.sauderworship.com/products/chancel/series_III/images/417_1717.JPG



MARLE ST

MARLE ST

RIP

MARLE ST

36 IN



RIGHT OF WAY USE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2007 by and between the TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD, COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as "TOWN", and _____, hereinafter referred to as the Applicant / Owner.

WITNESSETH

WHEREAS the TOWN owns the road right of way located _____, Malabar, and;

WHEREAS the Applicant/Owner desires to place a _____ within said right of way; and,

NOW THEREFORE, in consideration of the covenants herein contained, it is mutually agreed between the parties as follows:

1. MAINTENANCE OF PROPERTY. The Owner hereby agrees to perform landscape improvements, in the manner described in this Agreement, on the following described property, hereinafter referred to as the "premises":

Description of Improvements: _____

2. TERM. The initial term of this Agreement shall be annual commencing with the date of the execution of this Agreement and shall thereafter be automatically renewed annually unless terminated by either party, in accordance with paragraph 7 Termination herein.

3. USE OF PREMISES. The Owner shall use the premises for the aforementioned landscape improvements along the side of the street in the premises. It is hereby mutually agreed and understood that the use of any structure, improvement or facility now or hereafter located on the premises shall be for decorative purposes only and not for human occupancy, nor shall such structures or improvements create traffic hazards. It is specifically agreed and understood that the use herein set forth shall be the only use consented to by the TOWN, and that failure to comply with this provision shall be considered a material breach of this Agreement, whereupon the TOWN shall be entitled to immediately terminate this Agreement and cause such landscape improvements to be removed at the expense of the Owner.

4. IMPROVEMENTS. The plans and specifications for all improvements, structures, landscaping and facilities made by the Owner on the premises shall be in accordance with all TOWN specifications for approval by the TOWN or its designated representative prior to the construction or installation of such improvement, structure, landscaping or facility.

5. REPAIRS AND MAINTENANCE. The Owner shall, at its own expense, maintain the grounds and all improvements, structures and facilities on the premises and make all necessary repairs and replacements to the premises and to any improvements constructed

obligations or duties under this Agreement shall not constitute a waiver of any other obligation or duty of the Owner under this Agreement.

10. ENTIRETY. This Agreement represents the understanding between the parties in its entirety and no other agreements, either oral or written, exist between the TOWN and the Owner.

11. RECORDING. This Agreement shall be recorded in the public records of Brevard County, Florida at the Owner's cost.

Applicant

ATTEST

TOWN COUNCIL
OF THE TOWN OF MALABAR

Debby Franklin, Town Clerk

Tom Eschenberg, Mayor
As approved by the Council on _____

APPROVED AS TO FORM:

Owner:

Karl Bohne, Town Attorney

Printed Name: _____

BEFORE ME personally appeared _____, known to me to be the person who executed the foregoing Agreement, and they acknowledged before me that they executed the same for the purposes described therein.

WITNESS my hand and official seal this _____ day of _____, 2007.

Notary Public, State of Florida
My Commission Expires _____

TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: June 25, 2008

Prepared By: Michele Kelly, Secretary to P&Z

SUBJECT: Draft Land Development Code

BACKGROUND/HISTORY:

P&Z had previously requested that the Code be changed to provide a requirement for every request for Site Plan Extension first be reviewed by P&Z.

ATTACHMENTS:

Draft of Ordinance No. 2008-__: Land Development Code

ACTION OPTIONS:

Discussion and Direction

TOWN OF MALABAR

MEMORANDUM

Date: June 18, 2008 08-TC-068
To: Planning and Zoning Advisory Board
From: Debby K. Franklin, Town Clerk-Treasurer
Ref: Council Request

Please review the attached draft ordinance. I advised Council at the RTCM of 06/15/08 that the P&Z Board had previously requested that the Code be changed to provide a requirement for every request for Site Plan Extension first be reviewed by them.

They directed that such a change be crafted. Please provide your comments in the form of a recommendation to Council. I anticipate this will be ready for first reading at Council on July 21, 2008.

ORDINANCE NO. 2008-

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING SECTION 1-7.5 OF ARTICLE VII; PROVIDING FOR REVIEW AND RECOMMENDATION OF SITE PLAN EXTENSIONS BY THE PLANNING AND ZONING BOARD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Malabar, Brevard County, Florida, that

SECTION 1. Section 1-7.5 of Article VII of the Land Development Code of the Town is hereby amended in full to read as follows:

“ Section 1-7.5. Termination, extension and transferability.

Whenever site approval shall have been granted, it shall not be considered to run with the land. The site plan approval shall terminate twelve (12) months thereafter, if construction has not been started as evidenced by steady and continuous progress, including the pouring of footings by said termination date. Extensions may be ~~made~~ granted by the Town Council at its sole and absolute discretion. Any request for extension shall be made in writing prior to the expiration of the site plan and such request for extension shall be reviewed by the Planning and Zoning Board which shall make a recommendation on the request for extension to the Town Council. In the event the property receiving site plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the site plan approval shall be transferrable. ~~However, any extension of the twelve (12) month time limit shall require a favorable vote of the Town Council.”~~

SECTION 2. CODIFICATION. It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, that the provisions of Section 1 of this ordinance become part of the Land Development Code of the Town of Malabar. The Town Clerk is hereby authorized and directed to cause the provisions of section 1 of this ordinance to be incorporated into the Town's Land Development Code, as approved by Town Council.

SECTION 3. SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said

invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. CONFLICT. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

SECTION 5. EFFECTIVE DATE. The ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council member _____ . The motion was seconded by Council member _____ and, upon being put to a vote, the vote was as follows:

- Council Member Nancy Borton _____
- Council Member Brian Vail _____
- Council Member Charles (Chuck) McClelland _____
- Council Member Jeffrey (Jeff) McKnight _____
- Council Member Patricia (Pat) Dezman _____

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this ____ day of _____, 2008.

TOWN OF MALABAR

BY: _____
Mayor Tom Eschenberg, Chairperson

First Reading: _____

Second Reading: _____

ATTEST: _____

Debby Franklin, Town Clerk

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

ORDINANCE NO. 2007-02

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE III, SECTION 1-3.1.I. OFFICE INSTITUTIONAL, TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN OI (OFFICE INSTITUTIONAL) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.K. TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN CL (COMMERCIAL LIMITED) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.L. TO AMEND THE DEVELOPMENT STANDARDS TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN CG (COMMERCIAL GENERAL) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.O. TO AMEND THE DEVELOPMENT STANDARDS TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN R/LC (RESIDENTIAL/COMMERCIAL LIMITED) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE V, ADDING SECTION 1-5.29; PROVIDING FOR THE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN THE CG, CL, OI AND R/LC ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE XX, DEFINITIONS, ADDING A DEFINITION FOR MALABAR VERNACULAR STYLE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

SECTION 1. The Town of Malabar Code of Ordinances, Land Development Code, Article III, Section 1-3.1.I., is amended to add the following:

“A Malabar Vernacular Style is required for all development along arterial roadways.”

SECTION 2. The Town of Malabar Code of Ordinances, Land Development Code, Article III, Section 1-3.1.K is amended to add the following:

“A Malabar Vernacular Style is required for all development along arterial roadways.”

SECTION 3. The Town of Malabar Code of Ordinances, Land Development Code, Article III, Section 1-3.1.I is amended to add the following:

“A Malabar Vernacular Style is required for all development along arterial roadways.”

SECTION 4. The Town of Malabar Code of Ordinances, Land Development Code, Article III, Section 1-3.1.O is amended to add the following:

“A Malabar Vernacular Style is required for all development along arterial roadways.”

SECTION 5. A new section 1-5.29 is hereby added to The Town of Malabar Code of Ordinances, Land Development Code to read as follows:

“Section 1-5.29. *Design requirements for Development within Office Institutional, Commercial Limited, Commercial General and Residential/Limited Commercial along arterial roadways.*

(a) A Malabar Vernacular architectural style for each structure is required. This shall include the following architectural elevations facing public rights-of-way on arterial roadways:

1. A metal panel, 5-seam or metal shake roof is acceptable. A 5-tab twenty-five (25) year dimensional shingle roof or manufactured equivalent of a wood shake roof is acceptable. 3-tab roof shingles, barrel vaulted tiles, or corrugated roof systems are not permissible.
2. Pitch of main roof, hipped or gable, shall be no greater than 5:12; mansard roof shall be no greater than 9:12; porch roof shall be a lower pitch than the main roof. A minimum 6” overhang is required for any roof structure. All structures must have a minimum 3:12 slope roof. Multiple roof systems with matching roof slopes are permissible. Low slopes (“Flat”) roof systems are permissible when screened by a mansard roof or parapet wall meeting the design requirements.
3. The predominant exterior color shall be pastel shades, white or light earth tones. Dark earth tones are acceptable in brick or stone.
4. Manufactured brick or materials that have the appearance of brick are acceptable. Horizontally struck stucco, exterior insulated finish system stucco panels, board and batten, wood or vinyl siding, and stained hardwood panels shall also be considered acceptable finishes.
5. Front porch. The front porch must encompass an area greater than fifty percent (50%) of the front façade. The porch must be a minimum of 60” in depth.
6. Gingerbread trim, and/or porch railings, columns or posts shall have the appearance of light frame wood construction.
7. Trim colors shall be white or light pastels. (Trim shall be considered railings, columns, door and window surrounds, soffits, shutters, gutters and downspouts,

and other decorative elements.) Trim finishes shall be of a contrasting lighter color than that of the primary building color with the exception of white as a primary building color.

8. There shall be no area greater than 400 square feet of contiguous blank wall area on any front façade that remains unadorned by architectural features that include, but are not limited to, windows, doors, lights, banding trim or porch elements.

9. There shall not be any singular façade that has greater than 100' lineal feet of run without a minimum 16" break, by using a directional or material change.

10. Metal-clad structures are permissible. Internal bracing must be certified to accept additional finishes or structures applied to the exterior metal panels. No external "X" bracing is to be visible on any front façade. Finish panels must be able to accept a painted finish. All exterior wall finishes must match the primary building color. The use of corrugated, synthetic or fiberglass panels is prohibited on any front wall or any front roof surface. All design requirements must be met for metal-clad structures as for any other new structure.

(b) The predominant exterior color shall be applied to all sides of the structure.

(c) The design requirements listed above shall be applicable to all new construction in these zoning districts, and in the case of additions or renovations to, or redevelopment of, an existing building or project, where such addition, renovation or redevelopment exceeds fifty percent (50%) of the square footage of the existing structure(s). A mirror building, defined as a building meant to compliment a pre-existing structure by use of identical material finishes, scale and form, shall be exempt from the design requirements. New buildings that are part of an overall campus plan that has an established architectural theme may be exempt from the design requirements herein with the approval of Town Council.

(d) The design requirements listed above shall be applicable to all accessory structures not exempted by division (10) (c). Any accessory structure not meeting this requirement shall be screened so as to be not visible from the public right-of-way. Mechanical equipment such as gasoline pumps, air and vacuum machines, drive-through menu boards and speaker stations, drive-through teller stations, ATMs, and similar appliances which require direct access by the public shall be exempt from the design review requirements of this section.

(e) Compliance with the requirements set forth in this subsection shall be demonstrated by submittal of building front elevations and color and material samples at the time of site plan review.

(f) Structures in the following use categories are exempt from the design review requirements of this subsection, including: public utility equipment, commercial towers, hospitals and churches.

(g) The Town-wide Sign Code shall be adhered to with the following exceptions:

1. *Materials.* The color, construction and material of each sign should be compatible with the architecture on the site.

2. *Design.* Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.

3. Free standing signs shall have landscaping at the base.

(h) Structures having a federal or state historic site status shall be exempt from this subsection.

(i) The Town Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.”

SECTION 6. The Town of Malabar Code of Ordinances, Land Development Code, Article XX, Section 1-20.2 is amended to add the following:

“*Malabar Vernacular Style.* An *architectural* style representing historical influences from the development of Malabar. These include the simple wooden Cracker or the mellow wooden Caribbean dating to the turn of the 19th century that include elements of elevated first floors, porches, verandas and overhangs and that create a relationship to the street at human scale. The design standards provided in Section 1-5.29 of the Land Development Code of the Town shall apply to any structure required to be built in the Malabar Vernacular style.”

SECTION 7. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 8. Conflicts. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Councilmember Moccia. The motion was seconded by Councilmember Borton and, upon being put to a vote, the vote was as follows:

Councilmember Nancy Borton	<u>Aye</u>
Councilmember Brian Vail	<u>Aye</u>
Councilmember Chuck McClelland	<u>Aye</u>

Councilmember Bobbi Moccia
Councilmember Pat Dezman

Aye
Aye

This Ordinance was then declared to be duly passed and adopted this 2nd day of April, 2007.

TOWN OF MALABAR

BY: _____
Mayor Tom Eschenberg

First Reading: 02/05/07
Second Reading: 04/02/07

ATTEST:

Susan Kabana, CMC
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.,
Town Attorney

Michele Kelly

From: Town Clerk / Treasurer
Sent: Monday, June 16, 2008 9:13 AM
To: Michele Kelly
Subject: FW: You're invited - Workshop on Energy Solutions & Climate Change Issues - Miami, June 24

Michele, please share this with your P&Z members.

Debby K. Franklin
Town Clerk/Treasurer
townclerk@townofmalabar.org

Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of Malabar officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

-----Original Message-----

From: Anne Nelson [<mailto:Anne.Nelson@tpl.org>]
Sent: Saturday, June 14, 2008 10:50 AM
Subject: You're invited - Workshop on Energy Solutions & Climate Change Issues - Miami, June 24

You are invited to join us for Beyond Lightbulbs & Hybrids, a workshop designed to help Florida local governments take their Climate Change and Energy Action Plans to the next level.

Learn the latest: programs, research, best practices. Join us!

WHO: Anyone interested in local government solutions to energy and climate change issues
WHEN: Tuesday, June 24, from 1:00 to 5:00 p.m.
WHERE: Doral Golf Resort and Spa, Miami-Dade
COST: \$49
REGISTER: Contact Bruce Ryan, 850.222.7911 ext. 19; or bruce.ryan@tpl.org

HIGHLIGHTS:

Up-to-the-minute information about new state and federal legislation affecting local climate change and energy programs.
A presentation by Steve Smith with Futerra Sustainability Communications, a global communications agency that focuses on sustainability and green issues. He'll share the latest research on communicating climate change and energy issues to your constituents.
Hands-on technical help from experts to assess your existing program and learn what one or two things you can do today to take it to the next level.
Best practices from your peers about what works in Florida, and how you can use some of their best ideas to expand your climate change and energy program.

Presented by The Trust for Public Land in association with Florida Association of Counties and ICLEI.

For more information or to register, please contact Bruce Ryan,
850.222.7911 ext. 19 or at bruce.ryan@tpl.org.