

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY MAY 12, 2010
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

Exhibit: Planning and Zoning Meeting – 04/28/10
Agenda Report No. 1
Recommendation: Motion to Approve

E. PUBLIC HEARING: none

F. ACTION:

2. Finalize Recommendation Regarding R/LC, CL and Density in Malabar

Exhibit: Agenda Reports No. 2
Recommendation: Discussion/ Action

G. DISCUSSION:

3. Amendments to Fence Ordinance, Article V

Exhibit: Agenda Reports No. 3
Recommendation: Discussion

H. PUBLIC:

I. OLD BUSINESS/NEW BUSINESS:

J. ADJOURN

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.

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: May 12, 2010

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Approval of minutes

BACKGROUND/HISTORY:

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 P&Z Board Meeting of March 28, 2010

"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
March 28, 2010 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
	LIZ RITTER, late
ALTERNATE:	CINDY ZINDEL
ALTERNATE:	BRIDGET PORTS
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS, excused
TOWN ENGINEER	MORRIS SMITH, P.E. excused

Also present: Mayor Eschenberg

C. ADDITIONS/DELETIONS/CHANGES:

Krieger asks since there is not going to be a public hearing, can we switch open public to letter "E- Public Hearing " because if there is nothing, why keep people here. That would be my suggestion. Does that require a motion?

Wilbur replies, " I suppose"

Krieger, I move, we exchange "E" AND "H" in tonight's Agenda.

Motion: Krieger/ Reilly to exchange "E And "H" in tonight's Agenda. All Vote: Ayes

D. CONSENT AGENDA -

1. Approval of Minute- Planning and Zoning Meeting- 03/24/10

Exhibit: Agenda Report No. 1

Recommendation: Action

Motion: Reilly / Krieger to Approve minutes for Minutes 03/24/2010. All Vote: Ayes.

Motion: Reilly / Krieger to Approve Correct minutes as noted and corrected below for Minutes 03/24/2010. All Vote: Ayes.

Krieger, corrections to the minutes of 03/24/2010:

- Page 2, second to last paragraph, last sentence ~~dee~~ change to do.
- Page 4, second to last paragraph above **ADJOURN**, last sentence "The Board asks what is the cost to the town, and who establishing this entity?" Should be, The Board asks what is the cost to the town, and who is establishing this entity?"

E. PUBLIC HEARING: none

F. ACTION: none

G. DISCUSSION:**2. Continued Discussion regarding R/LC, CL and Density in Malabar****Exhibit:** Agenda Reports No. 2**Recommendation:** Discussion

Reilly asks if we have got any input from Council, Wilbur responds that the only written is from the Mayor and there was supposedly verbal, but I got no transcript of the verbal from Rivet. Denine explains the only written response is from the Mayor was in writing and the only other is a portion of the RTCM minutes, that was from Steve Rivet, and said everything is fine. Board discusses if no further response we move on and approve it all, no further action by this Board. They have had a month to give back a response.

Denine explains that in "Old Business" and put copies of Mayor's response and copy of a portion of minutes.

Krieger a portion of the density issue will be solved by the Table with percentages. There was a Table problem that was corrected over a year ago. Debby attached memo about Table to be corrected.

Wilbur expresses until the Table is corrected we really cannot go forward until we have correct data to go by.

The Board discusses the RL/C density for all across the Town of Malabar, not just US-1. Krieger discusses about density being in the middle of the road medium density. I think something should be corrected in the terminology to say would you can only have four (4) units living per acre. In density they are defining it as 8 units per acre; ideally it is suppose to be a small introductory area to the Town of Malabar.

Wilbur this whole thing came from a desire to do a gateway development plan for Malabar Road; and how we wanted that to look and function, changing this around and adding the zoning district goes a long way to doing that but it is not going to be the end all and give us the gateway development, this comes with design.

Krieger expresses you can talk about the future but no matter what we do as a board the determination of the road is by the DOT, because the road is the limiting factor. If you were going to increase the corridors, the guidelines to the future members of the Board, would be a continuing model of this is where we are and where we are going and where we have been.

Wilbur explains that the EAR was done so we could make changes prior to doing the EAR we could not make these changes, now we are allowed to make these changes.

Krieger adds the critical changes are the PUDS, and the EEL's areas and the areas we don't want to change, so it does not become a high density area.

Krieger states we have had the joint meeting, we have not received much comments are we suppose to now send this and say this is where we are.

Reilly states we might reconsider what we have classified as R/LC, if we change what R/LC means then we will re look at what we purposed.

Krieger adds we want to make sure these R/LC definitions are clear in our minds before we say this is our final thoughts, what is Councils action now?

Wilbur said initially we were under a time constraint, we have done a lot of work and a lot of research to put these R/LC's districts in areas that we thought they would work, it opens up some areas in Town that were not useable, in the short term get the economic engine going and help stimulate a tax base that will work. We are waiting for data to come back from the different areas then we can work on density and we can change the density. The density is not going to make that big of difference.

Ryan, I agree with Mayor's comments especially about Malabar Rd from Weber Road to Marie Street makes a very good point it is strictly a safety issue on a 2 lane 55 mph road I would have said in the future, when there is a possibility of Malabar Road being widened. A point very well taken and I have felt this way from the start.

Krieger discussing about Lanes on Malabar Rd, it is a DOT issue if any sort of building or anything is changed that requires a slow down deceleration lane one way it is DOT and the other way it is the Town. The controlling factor it DOT, land owners will have to deal with the road issues.

Wilbur it depends on the size of the project sometimes a secondary road is the most efficient way to go about it because you have one main entry way ,you do not have all those driveway cuts and all that DOT permitting.

Wilbur suggests as far as a main street project I think once we do this initial work we should move into the design phase through a planner to come up with a plan.

Ryan people bought property when it was designated a certain use and just because they bought it that doesn't mean they should be entitled to get what they want make their improvement and walk away from it. That is what developers do.

Wilbur is discussing about R/LC allows land owners to keep it residential, you can use it as RR-65 for whatever you want to do, or run a small business out of it.

Krieger state it is a matter of a natural progression.

Wilbur, the only you are going to get water and sewer down Malabar Road; it will be by property to property.

Ports, is that going to allow them to strip the land like Weber & Hall Rd where they just took everything off the land. Wilbur says that is Weber Woods, it was suppose to have homes but it went bankrupt.

Wilbur suggests to toughen the landscape laws to plant trees.

Krieger in the future we have strict design plan in place, maybe some sort of performance bond that says you are going to develop this then you have to develop , if does not develop then something comes back to the Town.

Ports, adds that this area of Weber Woods used to be semi maintained and now it is not. Wilbur suggests making a call to Code Enforcement and seeing that is maintained on a regular basis.

Krieger, where do the Town of Malabar's responsibility end and the property private owners begin?

Reilly, point of order chairman, we are suppose to be talking about density.

Wilbur, back to the board, as far as changes of what we done, no changes,

Krieger stated he would like to see more feedback from the public.

Open to Public:

Karlene Conroy, 1865 Alexander Lane, Malabar, I have not been up to date about these issues, the discussion the first thing I saw was in the news letter about commercializing some property along Malabar Road and I am here to object highly to that. I live off Malabar Road on Alexander and we had a situation that a guy George Foster bought two pieces of property and cleared all

the trees out and all we get is noise constantly from Malabar Road. I live about 900 feet off Malabar Road and all you get is noise. You bring in more commercialization it is going to be more noise

Wilbur explains it is not going to be commercial; it is not designated to be commercial. Conroy states I hope it is not going to change. Wilbur explaining it is going to be Residential Limited Commercial(R/LC). Conroy asks what this is and Wilbur explains.

Krieger to point out when someone to strip the trees you want them to follow through and finish, go back to nature. I cannot see how the land use there has not affected the drainage elsewhere. Somehow I would like to see the Town move towards more controlled to developers toward performance.

Conroy talking about neighbors complaining about trees on Fosters property messing up drainage ditch. I think he may have lost the property I saw it was in the Tax Lien. I don't even know if he still owns the property. Now he owns property on the corner of Eva Lane & Malabar Road.

Discussion about the Tree Ordinance about if you take down a tree you have to replace a tree.

Ports expresses to Conroy to call the Town about trees being cut down.

Conroy expresses to keep the Town Rural and keep growth down because we all bought here because we know what it is.

Krieger explains to Conroy what we have been working on is land use it leads to zoning but it is not zoning, someone would still have to come in to ask for a zoning change we are talking in the future 20 to 50 years in the future that someday households will become dentists, etc.

Wilbur explains about commercial we felt the best way is R/LC. It is still like a neighborhood and not much has to change.

Conroy is concerned about keeping it rural, I am registering my objection.

Wilbur, start looking at some type of regulation for land development that requires tree surveys.

Ryan, 4-5 years ago subdivision in progress and all dead in the water now.

Krieger the limiting factor is the time you give the permit you have to have a limit to do or stop.

3. Amendments to Fence Ordinance, Article V

Exhibit: Agenda Reports No. 1

Recommendation: Discussion/Action

Krieger asks about Roberts Rules this is a tabled item and we would have to have a motion to take it off the table, I believe this should be covered under a tabled item, under old business. I looked at the minutes of last meeting and I do not recall a motion to specifically, we had two different items we were talking about gates and we are talking about entry ways, two different subjects I do not mind bringing it off the table but it is going to be a lot of work involved because there is a history involved here.

Also, items have changed in the last two months we found there other things, such as columns there is no problem building them under the current building codes,

Are we reviewing the definition of gates, or completely revamping the whole thing, if that is true we should start from scratch.

Wilbur, I think we should not revamp it at all, I think we should keep the fence Ordinance the way it is. I would like to see the fence height to be 5 feet.

Krieger table and agenda?

Reilly, if it is for discussion only item you do not need to un table it, but I will ask the Mayor. But if it is an action item you need to un table.

Wilbur asks the Mayor about the tabled item,

Mayor responds with, if you go back and remember what you did there was a motion to table it whether it was a discussion item or not. It is on the Table. If you want to talk about make a motion to pull it from the table.

Reilly, but it was a motion on an action.

Mayor, you tabled the Agenda Item.

Motion: Reilly/ Krieger to Remove the Tabled Agenda Item of the Fence Ordinance which included gate, columns and other things for discussion purposes All Vote: All AYES

Krieger last May when this thing started about gates we drew up definition of gates. The complication is that we kept getting added new items, an entrance- handled by DOT, is their setbacks, we got answers, we did give the Council definition of gates.

We did have a joint meeting then it came back to us and we looked at the iteration that we had presented. We went through very carefully and made a motion to send back to Council.

The original back to council, in the meant time the Mayor takes a crack at different approach there are some good things taking existing code and stripping away.

Wilbur is for "entry ways" and "gates", the definition takes care of public safety off public ROW onto property. The design criteria is to save property and lives. .

Krieger took the Mayors suggestions about Fence Ordinances and added his own suggestions. Krieger is for the ROW and visibility the other interesting thing no changes to trailer parks.

The discussion is among the Board about the fence heights and suggestions.

Reilly, expressed to Krieger to give his changes to Denine and she will hand out at the next meeting.

H. PUBLIC:

Open to the public: 7:38 PM- no speakers

I. OLD BUSINESS/NEW BUSINESS:

Wilbur asks about the storage area AAA Storage using RR Ave as the side entrance The Board is requesting form staff an update about what has been done about the traffic of tankers and semi's going in and out of this Railroad Ave road.

The Board is discussing that AAA Storage has gone way beyond what it was approved for. Krieger suggests in the future when plans come in for certain requests we need to stick to the plans. We should have done something in the beginning.

New business:

The memo that Debby Franklin gave about Country Lane, Wilbur is discussing with board to put this on the Agenda.

Ryan, discussing that a contractor came in to discuss streets that dead ended, where there is no possibility for the road to go any where.

Board has requested information from staff about Stimulus Project on Corey Rd & Atz Road.

Reilly suggest that the R/LC be an action item for next meeting and come up with a final presentation to give to Council. Review that the Density recommendation is approved and request the corrected table from staff for percentages.

Krieger talking about the last meeting the discussion was the whole Town is Medium Density, the other thing is R/LC going to be all across the Town, because now R/LC is limited to certain areas. That section of the code would have to be changed.

Ryan, states the only two roads not discussed was Weber and Corey Rd, but this is the core of Malabar, best to leave alone.

Wilbur, if we focus in our excellence in our Gateway development Babcock Rd, Malabar Rd, US-Hwy1 that is all the Commercial the R/LC and OI that this Town needs.

Krieger states we should make all the changes at one time, Ritter adds that is more effective and efficient to do everything at one time then have to come back and do it again.

Reilly will not be at next meeting May 12, 2010.

Wilbur asks that if you cannot be at the next meeting if you would write out your comments on different issues that we will be addressing at that meeting and we will incorporate into the minutes.

J. ADJOURN:

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

Vote: All Ayes. The meeting adjourned 9:10 P.M.

BY:

Bob Wilbur, Chair

Denine M. Sherear, Secretary

Date Approved

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: May 12, 2010

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Permitted Land Uses Within R/LC and CL Zoning

BACKGROUND/HISTORY:

Review changes and density issues then make finalized recommendations regarding R/LC, CL and Density in Malabar, so we can work towards a Public Workshop for input and receive recommendations from the public.

The Town Clerk- Debby Franklin at the next Town Council Meeting will ask for available dates for a Public Workshop to get public input on these recommendations as well.

ATTACHMENTS: none

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: May 12, 2010

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Amendments to Fence Ordinance, Article V

BACKGROUND/HISTORY:

This item was on the Agenda at the P & Z Meeting on 3/24/2010. It was tabled at that meeting and to be brought back to the next P&Z Meeting 04/28/10. At the Meeting on 4/28/2010 this Item was un tabled and brought back for this Meeting for discussion

Please bring your packets from the meeting of 3/10/2010

The Mayor asked Council at the RTCM of 2/1/2010 to allow his recommendation regarding the fence ordinance to be considered by the P & Z Board. His proposal was brought back to P&Z on February 10, 2010 for your review and comments, looking for Action to bring back to Council for closure. The topic was tabled at that meeting.

In order to continue this discussion, a MOTION will be necessary to remove the item from the table.

Staff was asked to prepare historical documentation from the many times that this issue was previously discussed.

Council agreed with the Town Attorney's legal opinion based on the definition within our Code. Attorney Bohne determined that stand alone columns are not part of a fence, per the definition. Also the setback within the Code applied to buildings, porches and accessory structures. We have enclosed that as well.

ATTACHMENTS:

- A draft from a P & Z Member (Don Krieger) combined with the Mayors suggestions for discussion and review for consideration. (4 pages)
- A draft of the Mayors recommendations

ACTION REQUESTED:

Formulation of recommendations to bring to Council to bring this subject to final disposition.

Preamble: Below is a compilation of the Mayor's suggestions combine with added refinements I have added. The single strike-outs and bold underline are changes from the Mayor, and the double strike-outs and Italic bold my contribution. We can compare this with the gate ordinance already agreed upon by our board but not presented to council.

Don

Section 1-5.8. Fences and walls.

(a) Definitions.

For purposes of this section, the following terms shall have the following definitions:

Abut or abutting property means a lot or parcel sharing a common boundary with the lot or parcel in question, or a lot or parcel immediately across a public or private right-of-way or street from the lot or parcel in question.

Building line means a line within a lot or parcel established by yard or setback requirements in the land development regulations of the Town, outside of which no principal building or structure may be erected.

Commercial district means any area of the Town having the zoning classification CL or CG in accordance with the land development regulations of the Town.

Fence means a vertical row of nonliving material, exclusive of masonry products, placed close together or abutting each other in such a manner as to form a boundary or barrier between two (2) adjacent parcels of land ~~or portions of parcels of land.~~

Height means the distance from existing grade to the top of such fence or wall including post and/or columns measured on the side facing abutting property.

Industrial district means any area of the Town having the zoning classification IND in accordance with the land development regulations of the Town.

Institutional district means any area of the town having the zoning classification INS in accordance with the land development regulations of the town.

Opaque shall mean that objects located on one side of a fence or wall are not visible from the opposite side when the viewer's line of sight to such object is through such fence or wall.

Residential district means any area of the Town having the zoning classification RR-65, RS-21, RS-15, RS-10, RM-4, RM-6, R-L/C or R-MH, in accordance with the land development regulations of the town.

Wall means a vertical row of masonry materials placed close together or abutting each other in such a manner as to form a boundary or barrier between two (2) parcels of land ~~or portions of parcels of land.~~

Yard means an open, unoccupied space on the same lot or parcel with a building or buildings, other than a court, which is unobstructed from the ground upwards by buildings or structures.

(1) Required front yard means an open, unoccupied space extending across the full width of the lot, the depth of which is the minimum horizontal distance established by the Land Development Code beyond which no building may be erected. Is determined by the frontage to which the address is assigned to such lot or parcel.

(2) Required rear yard means an open, unoccupied space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line.

(3) Required side yard means an open, unoccupied space between the front and rear building lines and the side lot line and the side building line.

(b) Permit required for fence or wall. No fence or wall shall be constructed, erected, replaced or altered unless a permit therefor has been obtained from the Town by the owner of the property on which such fence or wall is to be located, or by some other person duly authorized by such owner. The application for such permit shall be on a form provided by the building official and shall be accompanied by drawings showing the proposed location of and the specifications for the type of construction of such fence or wall. ***Permit requirements are waived for periodic repair and maintenance of an existing fence or wall.***

(c) Permit fee. Permit fees shall be calculated in accordance with Resolution 9-94 and all succeeding fee resolutions. Valuation of such fence or wall for the purpose of establishing the permit fee shall be determined by the building official. No permit shall be issued unless and until all fees associated with said permit are paid.

(d) Materials and design requirements.

1. All fences or walls constructed pursuant to the permit issued in accordance with this article shall comply with all applicable provisions of this Code relating to the type of construction, required materials, height and location.

2. All fences or walls shall be designed, constructed and secured in accordance with the adopted building code to meet the specified wind load.

~~3. Posts and stringers required for the support of fences shall not be visible from the side facing any adjacent or abutting property, for which such fence permit was issued. Wood post shall be pressure treated or of a wood type with a natural resistance to decay and termites as listed in the adopted building code.~~

4. All walls shall have a painted surface with struck mortar joints or, stucco or other finished surface on the side facing any abutting property for which the permit for such wall was issued.

5. The following provisions shall be prohibited in any fence or wall:

a. Electrified wire strands. Except in the RR-65 districts when used for the control of animals and only around the control area.

b. Barbed wire. Except in the RR-65 districts when used for the control of animals and only around the control area, and for the top of fences in the commercial, industrial and institutional districts.

(e) Height restrictions for fences and walls in residential districts. Fences or walls located, erected, constructed, reconstructed or altered on any property located in a residential district shall comply with the following height requirements:

1. Except as provided in this section, no portion of any fence or wall located ~~between the front building line and the front lot line~~ shall be more than ~~four (4)~~ six (6) feet in height.

2. Any fence or wall located ~~to the rear of the front building line~~ shall be ~~six (6)~~ feet or less in height, ~~except for corner lots.~~

3. ~~For any corner lot of which the rear lot line abuts the side lot line of another lot, that portion of such fence or wall located between the side right-of-way line and the side building line adjacent to the side right-of-way shall be not more than four (4) feet in height.~~

4. For any lot or parcel not containing a structure, the requirements of subsection (e)1, (2) and (3) shall be applied to ~~required front and corner building lines~~ in the same manner as if a structure

had been constructed in accordance with such required yard area or setback as specified within the zoning district requirements.

5. Any lot or parcel located within a RR-65 District shall be permitted a fence or wall ~~fifty-four (54) inches~~ **eight (8) feet** or less in height ~~within the required front yard~~. Higher fences and walls, not to exceed six (6) feet in height ~~within the required front yard~~ may be authorized by the Town Council after considering the recommendation of the Planning and Zoning Board. Prior to approving subject structure the Town Council shall render a finding that the structure is safe and visually compatible in the area. Such fence or wall shall be constructed in a manner that provides adequate visibility at any public or private right-of-way, driveway or street providing access to such lot or parcel, and at any abutting intersection.

(f) Height restrictions for fences or walls in commercial, industrial and institutional districts. Fences or walls located, erected, constructed, reconstructed or altered on any property located in a commercial, industrial and institutional district shall comply with the following height requirements:

1. Commercial district shall be no more than ~~six (6) feet~~ **eight (8) feet** in height **including barbed wire for security**. An additional twelve inch section for security with barbed wire attached may be permitted, total height shall not exceed seven (7) feet in height.

2. Industrial and institutional districts shall be no more than eight (8) feet in height including barbed wire for security.

(g) Maintenance of fences and walls. All fences or walls in the Town shall be maintained in good repair and in a structurally sound condition. All fences shall be ***maintained to their original specifications***. ~~upright and plumb continuous in alignment~~.

(h) Restriction of fences or walls on public easements, utility easements and public rights-of-way.

1. No wall ***or related structure*** shall be constructed on any public easement, utility easement or public right-of-way.

2. No fence ***or related structure*** shall be constructed on any public right-of-way, and except as provided in subsection (3) hereof, no fence shall be constructed on any easement.

No fence, wall or associated structure shall be constructed---

3. A non permanent type fence may be constructed on an easement providing the property owner making application for such fence agrees in writing, at the time of application for permit, that the property owner and/or any successors in interest will bear the expense of removal of such fence if access to said easement is required.

(i) Perimeter Fencing for Certain Residential Subdivisions/Developments. Any perimeter fencing and/or wall which is placed or located on any portion of the perimeter boundaries of a residential subdivision or development shall comply with the following:

1. In RS Zoning Districts, no portion of a fence or wall, including gates, support posts, members or decorative features, located on any perimeter property of a residential subdivision or development that is not part of a platted residential lot shall exceed forty-eight (48) inches in height.

~~2. In the RR Zoning District, fence or wall, including gates, support posts, members, or decorative features, located on any perimeter property of a residential subdivision or development that is not part of a platted residential lot shall not exceed fifty-four (54) inches. Higher perimeter fences and walls within the RR Zoning Districts, not to exceed six (6) feet in height, may be approved by Town Council after considering the recommendation by the Planning and Zoning Board. Prior to approving any fence or wall in excess of fifty-four (54)~~

inches, the Town Council shall render a finding that the structure is safe and visually compatible in the area. Such fence or wall shall be constructed in a manner that provides adequate visibility at any public or private right of way, driveway or street providing access to such lot or parcel, and at an abutting intersection.

3. In the R-MH Zoning District no portion of a fence or wall, including gates, support posts, members or decorative features, located on any perimeter property of a mobile home residential subdivision or development that is not part of a mobile home site shall exceed forty-eight (48) ~~(???)~~ inches in height.

4. In RM Zoning Districts, no portion of a fence or wall, including gates, support posts, members or decorative features, located on any perimeter property of a multi family residential subdivision or development that is not part of a residential site shall exceed forty-eight (48) ~~(???)~~ inches in height.

(Ord. No. 99-1, § 1, 4-19-00; Ord. No. 08-05, § 1, 5-5-08)

Cross references: Buildings and building regulations, ch. 6.

March 15, 2010

→ To: Malabar Planning and Zoning Board

From: Tom Eschenberg, Mayor

Subject: Feedback from joint meeting on proposed land use changes.

My comments are directed to the maps as presented at the joint meeting.

BABCOCK STREET

I agree with the proposed changes.

MALABAR ROAD (WEST END)

I agree with the changes west of Weber Road.

MALABAR ROAD (WEBER RD. TO ALEXANDER LN.)

I disagree with the changes except for the open space on the north side.

MALABAR ROAD (ALEXANDER LN. TO COREY ROAD)

I disagree with the changes.

MALABAR ROAD (COREY ROAD TO MARIE ST.)

I disagree with changes on the south side. On the north side, I disagree with the changes except OI on the proposed town hall site and open space for the balance of the EEL'S land.

MALABAR ROAD (MARIE ST. TO RAILROAD TRACKS)

I agree with the proposed changes including the R/LC on the north east corner of Malabar and Marie.

I do not wish to criticize P&Z by having so many disagreements. You have worked hard for many hours on this effort. It is just my personal opinion that we should not add any more commercial zoning between Weber Rd. and Marie St. It is strictly a safety issue on a two lane 55mph road. Fifteen or twenty years from now when there is a possibility of Malabar Road being widened, that area could be reconsidered for changes.

RESIDENTIAL/LIMITED COMMERCIAL

As a follow-up to the last P&Z meeting, here are the suggestions I made.

R/LC may be kept at six units per acre with the following restrictions.

Each parcel must have one residential unit as a minimum if it has a commercial unit.

The number of residential units may not exceed the number of commercial units.

Combinations would be:

5 commercial, 1 residential

4 commercial, 2 residential

4 commercial, 1 residential

3 commercial, 3 residential

3 commercial, 2 residential

3 commercial, 1 residential

2 commercial, 2 residential

2 commercial, 1 residential

1 commercial, 1 residential

0 commercial, 1 residential