

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY AUGUST 11, 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**

Planning and Zoning Meeting – 7/14/2010

Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve
- E. PUBLIC HEARING: none**
- F. ACTION:**
 - 2. Review Packet of Land Use and Density that was Presented to Council**

Exhibit: Agenda Reports No. 2
Recommendation: Discussion/ Action
 - 3. Fence Ordinance Corrected Version Quick Review**

Exhibit: Agenda Reports No. 3
Recommendation: Action
- G. 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: August 11, 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 July 14 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
July 14, 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, excused
	LIZ RITTER
ALTERNATE:	CINDY ZINDEL, excused
ALTERNATE:	BRIDGET PORTS, excused
SECRETARY:	DENINE SHEREAR
TOWN PLANNER	KEITH MILLS
TOWN ENGINEER	MORRIS SMITH, P.E., excused
TOWN CLERK/TREASURE	DEBBY FRANKLIN

Also present: Mayor Eschenberg

C. ADDITIONS/DELETIONS/CHANGES:

Notes from Sherear for Roll Call:

Cindy Zindel excused sick, this is her second excused. Bridget Ports, going through the process of resignation from this Board.

Reilly would like to move "I" Old Business regarding Ronald Egoroff move up to in front of "Actions", so he can leave.

Wilbur, so noted

Motion: Reilly/ Ritter: To Move "I" Old Business/ New Business to go before "F" Actions, all in favor. Vote: All Ayes

D. CONSENT AGENDA :

E. PUBLIC HEARING: none

I. OLD BUSINESS/NEW BUSINESS:

Bill Currie from BRC Septic could not make it tonight, he is out of town.

Mr. Ronald Egoroff, Remax Reality 2000 Melbourne FL,

Bill is looking to relocate his business, to 2735 Malabar Rd, it is a septic tank business he has and the zoning looked like it would allow it to a certain degree because of the storage in the back , but he is or would be storing heavy equipment. Such as back hoes and trucks.

Mr. Egoroff is explaining that he would use the "Old Post Office" as his office and the rear as storage area. He believes he would have access off old Railroad Ave to the east of railroad tracks. He would use the back part of this property for storage of new tanks and trucks, etc.

The front of the property being Commercial zoning allowing office area, but not sure of the rear property allowing heavy equipment and storage.

Wilbur, asking about ingree and regress of property, Egoroff explains it looks to be right along Malabar Rd., next to railroad tracks.

Wilbur asks if this road is accepted, Board is discussing that it dead ends at Century Oaks, along the east side of Railroad tracks.

Ryan asks about "Compounding In "property what would he be doing? Egoroff responds with fencing in or what the Town requires that is what we need to find out.

Ryan, asks if he does pump outs as far as his business? Egoroff said yes, Ryan asked if the filled trucks would be stored on this property and Egoroff responded that he asked Mr. Currie and he said filled trucks would not be stored on property.

Wilbur, concerns with trucks and trailers as you come from the west, making turns just pass east side of RR tracks.

Ryan explains there is room to the east of the building for better driveway to access property.

Krieger, what is the status of the road, next to RR tracks, it is gravel and dirt what about the heavy equipment? What matters is if "CG" fits the description to have this business activity.

Wilbur suggest whatever the ROW, the road would be have to be brought up to standards.

Ryan, if he uses east side of building as access to his property, does he need to call it a road it is just driveway to enter his property.

Reilly asks Mills, about split zoning, CG & R/LC, is this ok or should we make it the same. Nothing prohibits, that 2 different properties the use of office.

There is nothing that prohibits a piece of property having two different zoning categories, typical not desired in this case the use of office building appears to be on the parcel that will allow that but not the other use, hypothetically it can exists as two separate zoning categories.

Krieger it is not a total parcel.

Mills, it is all separate parcels with different zonings.

Reilly, discussing about small comp change, due to two different zonings and R/LC you are suppose to live on property, so this is another possibility.

The board is discussing that the property and the triangular piece is landlocked.

Kreiger discussing about joining properties is a possibility.

Mr. Egoroff is explaining about ROW going down the side of the RR Tracks. Ritter is explaining that the road is not maintained by the Town.

Reilly, the decision is with Building Official if that road is acceptable. We need to deal with just the issue of the parcels being zoned differently, CG and R/LC.

Mills, the use itself is not specifically listed the intent of CG, Mills is reading CG his business is strictly phone, and septic tank some other equipment, prepare installation with that he has some other equipment.

Mr. Egoroff

Wilbur asks Mr. Egoroff if they manufacture their own septic tanks, the answer is no.

Krieger, closest type of business would be the well drilling business with equipment.

Wilbur adds if we are trying to create a downtown corridor, do we want heavy trucks and equipment running in between, not sure if it fits the district it is in.

Kreiger says just because it is a septic tank business there is no reason it cannot be clean and quiet. Mr. Egoroff adds if you look at the location you are not going to attract much different type of business than that. Kreiger it is a matter of set backs and how you run your business.

Mills asks how this got to P & Z, Sherear explained that it was suggested by staff for Septic Tank owner to come to P & Z Meeting and introduce idea of location of business to Board. Presentation was totally informal.

Ritter says the only problem she sees like with the storage facility with the use of vehicles with gasoline and flammable materials. You are on the back side of residential areas.

Mr. Egoroff was asked if Septic Owner has a "Pump out" truck, he noted that his business was more of an installation company.

Mr. Egoroff explained that the company is now presently in Melbourne and his lease is coming up, so he is looking to buy property due to attractive price.

Wilbur suggests if you want to proceed with this idea about this property that you go to staff, and have staff provide this Board with the history of road and ownership of road, what we are going to do about the R/LC parcel #15, How we satisfy the residential component with that and maybe show staff some kind of site plan with equipment and storage parking lot.

Mills, his business is strictly installation of changing septic tanks and repairs, contractor I think the buffering with the residential area might be a concern.

Mr. Egoroff is explaining to Board to keep storage of heavy equipment away from residential area and more towards the railroad tracks.

Ryan suggests that crews leave in the morning and out all day not a lot of coming and going;

Mr. Egoroff believes that the only traffic is office staff.

Kreiger, suggest to bring site plan to presentation to staff, eventually it will be a public meeting and people from Century Oaks will be coming to the meetings and voicing their opinions and it will have to be a very palatable presentation.

Reilly points out two points:

- People live in Lots 17&18, 20- the bad part is using #15 to get to #26 the CG is perfectly ok. i.e.: Heide Kruger Well Drilling out during the day and keeps equipment there at night.
- Major hurdle using 15 to get to 26, suggestion to convert 15 to CG a small site plan. Reilly explains people do not like CG up against residential without a buffer.

Ritter, states the worst scenario you could put a concrete wall, for buffer of noise and sound.

Ryan expresses this would not fit in with future plan of downtown district.

Wilbur explains to Mr. Egoroff if you want to go further with project to coordinate with staff on particulars of road ROW and site plan information.

Mills explains that getting information together with staff would eliminate problems with access Malabar Rd directly and to know the information about road along railroad tracks

Ryan said that last person inquiring about this parcel wanted to put a storage area. As far as noise goes it is no worse than trains blowing the whistles.

Mr. Egoroff asks to contact for more information, it was suggested by Board to contact Building Department and Building Official.

F. ACTION:

1. Final Review Amendment to Fence Ordinance, Article V

Exhibit: Agenda Reports No. 1

Recommendation: Remove from Table/ Action to Council

Motion: Reilly/Ryan to Recommend to Council the Fence Ordinance, Article V with corrections accordingly All: Vote: All Ayes

Discussion:

Tom Eschenberg 2835 Beran Lane, I have two items:

- One applies to Definitions in two places "Entrance Gate" and "Gate" it has to do with where the last meeting you added Southern Building Code. (I spoke to Roger- Building Official and he stated we have not used that in over 3 years). What is used now is the Florida Building Code. I asked Roger if the Florida Building Code have any specification for gates. He said no.
Kreiger suggest taking out Southern Building Code and putting in Appropriate Building Code.
Eschenberg suggests, maybe the building code does not provide specs for gates. It might for fence. (Recommend to talk to Roger).
- Second Item "C-1" it looks like change made there was to raise height from 4 feet to 5 feet, however, if we look back at the current Ordinance, the current Ordinance in residential did allow 6 feet on the sides and rear, not in front.
Kreiger, if you look at C-1 it does not mention anywhere R/LC so it is under commercial.

Eschenberg, the exact words from the current Ordinance are "that the any fence or wall located to the rear of the front building line shall be 6 feet or less in residential"

The Board is discussion corrections to be made to Fence Ordinance and marked on Ordinance directly to be corrected.

2. Review of District Provision Table 1.3-3A (Pages 123-124) Changes and Ordinance 2004-08 (Last Column)

Exhibit: Agenda Reports No. 2

Recommendation: Action to Council

Reilly explains in 2004 the last column was taken out in an Ordinance, the think back then was that septic tanks were not in controlled by the Town that it is controlled by the State and County. That is why it was taken out. I guess Mrs. Ritter wants to put that column back in, it goes to Council next Monday night.

Ritter, I do not like things to be assumed and if we have it **with** central water and waste water why don't we have **without**. Because our Town is mainly without

Reilly explains they went through this six years ago and this is what they came up with this Ordinance 2004-08.

Reilly we are presenting it go to Council with the Column.

Ryan has a question if you read 2 B; it says all proposed development within areas not served by central water which is drinking water and waste water services shall comply with the septic

permitting requirements. Do we have to say something in regards to central water treatment not septic treatment but water. It is two separate entities. We are only addressing septic. Reilly answers are by looking at septic requirements by county. (75 feet from well and septic)

Board just discussing that it makes things easier to look at with added column explaining with and without.

Wilbur asks Mills, I do not know for a fact I assume that my assumptions are the numbers are the same the county will take care of this it is possible to put back in for clarity to all. Reilly adds that the county is going to take care of the numbers in the columns. Ritter, I would just like to have information in there too much is not enough.

Wilbur we are sending it to Council and let them make a decision if they want to add the column back or not. Kreiger just point out the reason we added it back for clarity. Reilly explains that this Board already made a motion two weeks ago to go to Council to add last column, no motion is needed already did it.

G. DISCUSSION:

H. PUBLIC:

Open to the public:

Mr. Jack Little, 1442 Knave Lane owns company called Aero Decals; he explains about his company manufactures and designs signage for large aircrafts. I would like to have a shop in Malabar, here where I live. I presently have an office in Palm Bay.

I believe a light industry zoning area would fit in to be part of the manufacturing process, similar to a sign shop. The photography part of the shop will stay in Palm Bay. I have looked in the area near Babcock and Foundation Blvd, in the commercial zoning area.

Ritter ask about how you get customers, do they come to you? Mr. Little explains that a lot is done by sending pdf files via e mail and going to job sites, then send hard copies.

I would like approx. 8,000 sq ft building, two stories, and need big spaces to lay out designs and for storage. We have Fed Ex pick up boxes for delivery.

The Board suggests speaking with Roger the Building Official, to see what areas are prospective building sites for this type of business.

J. ADJOURN:

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

Vote: All Ayes. The meeting adjourned at 9:00 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: August 11, 2010

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

SUBJECT: Review of Land Use Changes and Density

BACKGROUND/HISTORY:

It was suggested that this Board review changes made to the land Use and Density, this item was presented to the Council at the last RTCM Meeting of July 19, 2010. Mr. Patrick Reilly was present at the Council Meeting; he reported that the package given to Council did not accurately reflect the final recommendations from P& Z. It was also suggested to provide more detail on the density recommendation.

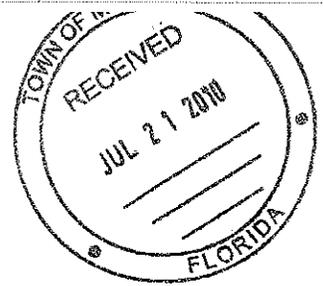
The District Zoning Provision – Table 1-3.3(A) page 123, last Column to be reviewed by this Board again, along with Ordinance No 2004-08.

Council is looking to place this on the next RTCM Agenda after review from this Board.

ATTACHMENTS:

- Memo # 2010-TC-034 From Debby Franklin, Town Clerk- Treasurer
- Future Land Use Changes -Packet given to Council (10 Pages)
- Proposed Zoning Map Suggestions given to Council
- District Provisions Table 1.3.3, Ordinance No. 2004-08
- Updated Proposed Future land Use Changes with Corrections from Mr. Pat Reilly

TOWN OF MALABAR



MEMORANDUM

Date: July 20, 2010 2010-TC-034

To: Denine Sherear, P&Z Secretary

From: Debby K. Franklin, Town Clerk-Treasurer

Ref: P&Z Recommendation re: Land Use Change and Density

- This item was on the Council agenda for action at the RTCM of July 19, 2010. I received the package from you with the recommendation from P&Z. Mr. Patrick Reilly, Vice-Chair of the P&Z Board was present and addressed Council.
- He reported that the package given to Council did not accurately reflect the final recommendations from P&Z. If you recall, I questioned you on the package as I also thought P&Z had made more changes over the April, May and June meetings. He also wanted the P&Z Board to provide more detail on the density recommendation.
- He asked Council to direct that the package be returned to P&Z for more work.
- Council directed that this package be returned to P&Z for correction and to have it back to Council for their meeting on August 2, 2010.
- Please place this on the next P&Z Board agenda of July 28, 2010 for action. Please contact Vice-Chair Pat Reilly and determine if the corrected package can be ready for the Clerk's office on July 29, 2010 for Council's agenda package for the meeting of August 2, or should I schedule this for the RTCM of August 16, 2010.

TOWN OF MALABAR PROPOSED FUTURE LAND USE CHANGES

PRESENTED BY THE PLANNING AND ZONING COMMITTEE

FEBRUARY 24, 2010

Present Zoning Districts

Land Use Designations + Corresponding Zoning Districts

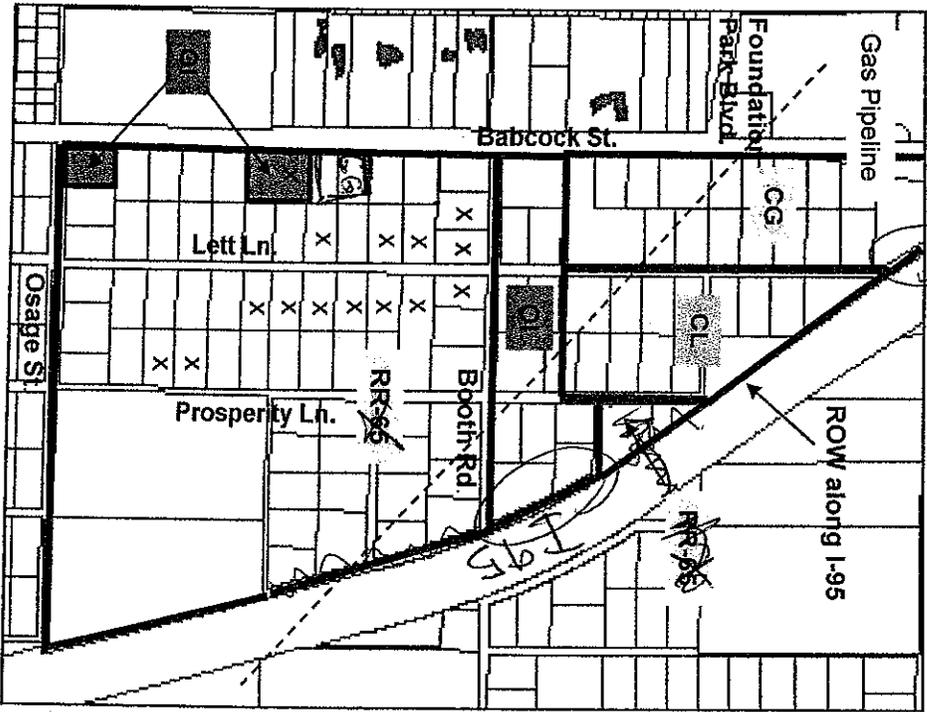
- + • Residential/Limited Commercial
- + • High Density Residential
- + • Medium Density Residential
- + • Low Density Residential
- + • Rural Residential
- ✓ • Commercial General
- ✓ • Commercial Limited
- ✓ • Industrial
- ✓ • Office Institutional
- ✓ • Institutional Services
- ✓ • Open Space and Recreation
- ✓ • Med Res Ofc
- CONSERVATION
- PUD (Res or Com)
- RS

Related Data

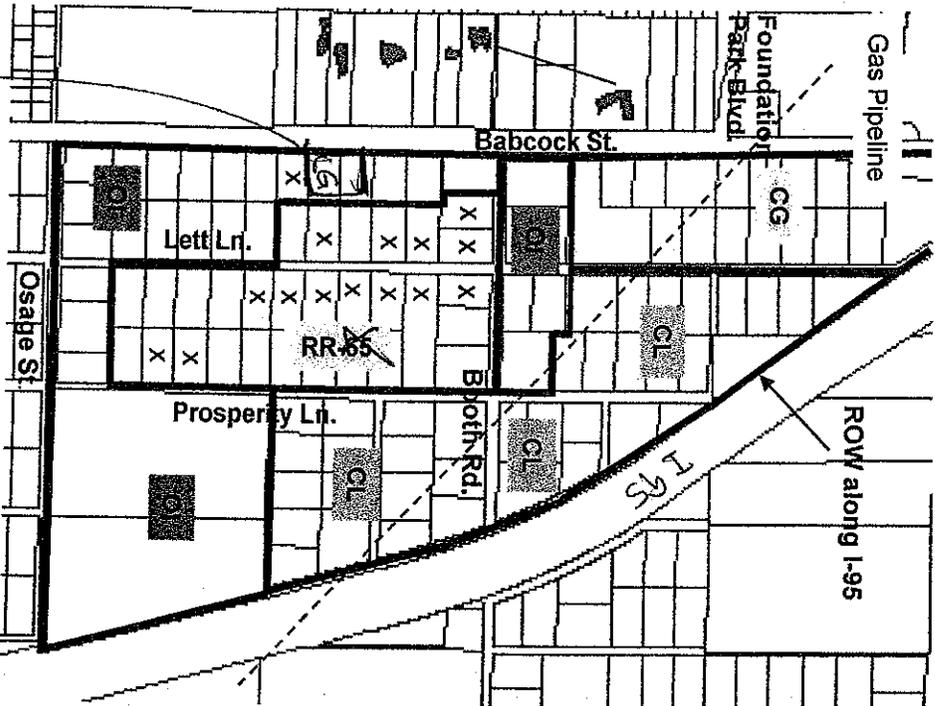
- Along US 1 was not addressed
- Use FLU-9 Map for Present Land Use
 - It was 1988's Future Land Use, now it is Malabar's Present Land Use Map
- Definitions of Malabar's ~~Zoning~~ ^{LAND USE} Districts ^{DESIGNATIONS}
 - Malabar Land Development Code, Article III, District Provisions handout
 - Board is presently looking at the R/LC densities in the Land Development Codes
- Satellite Aerial Maps

Land Use Along Babcock Street

Present Land Use

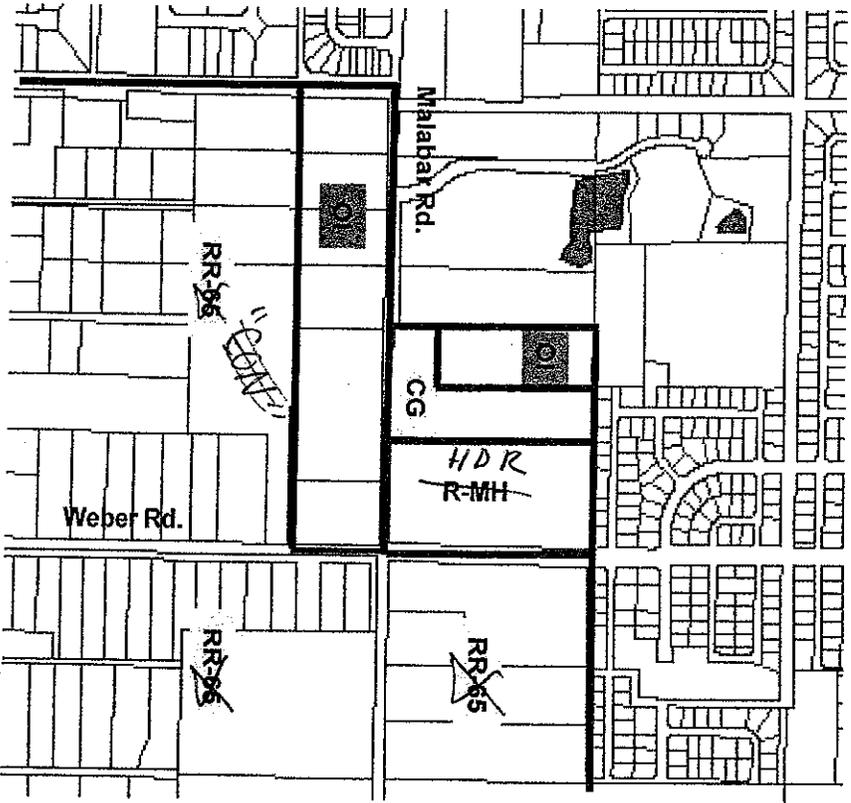


Proposed Land Use

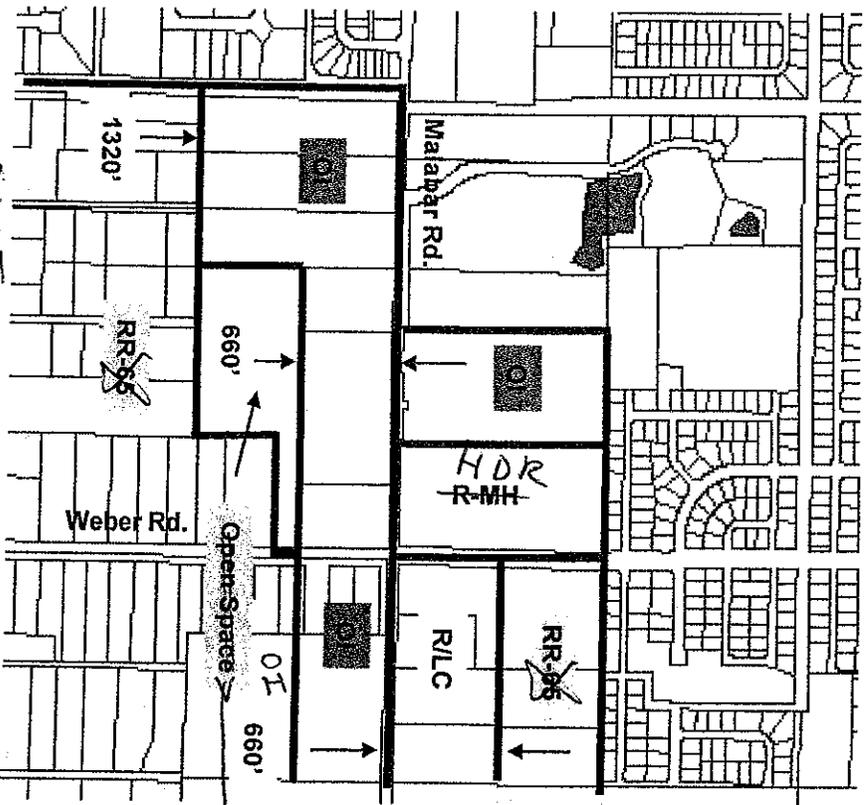


Land Use Along Malabar Rd. (West end)

Present Land Use



Proposed Land Use

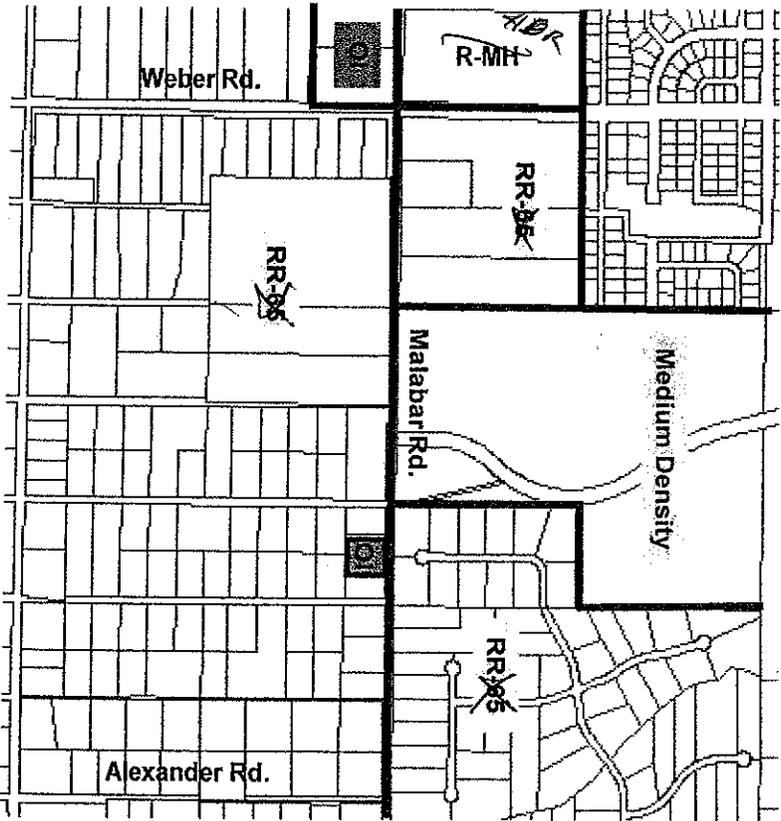


- ? OI
- ? RN
- ? R/LC
- ? RS

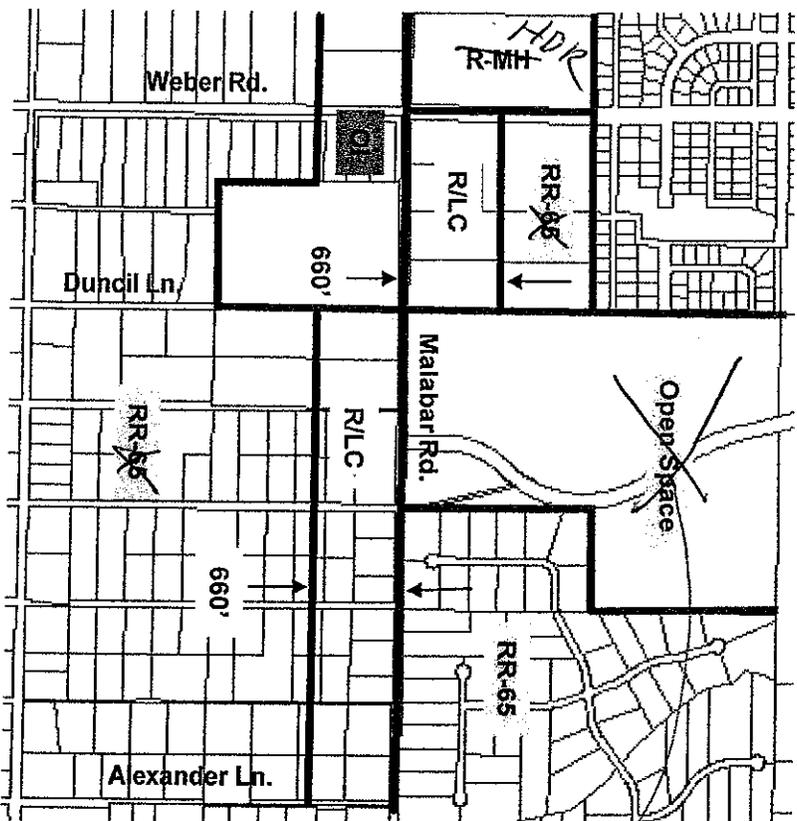
Handwritten note: "RS" with a slash and an arrow pointing to the right.

Land Use Along Malabar Rd. (Weber Rd. to Alexander Ln.)

Present Land Use



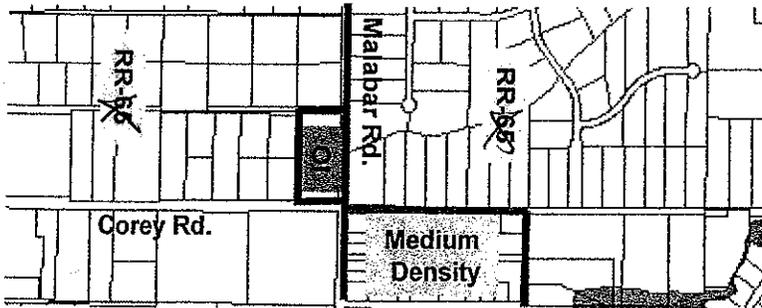
Proposed Land Use



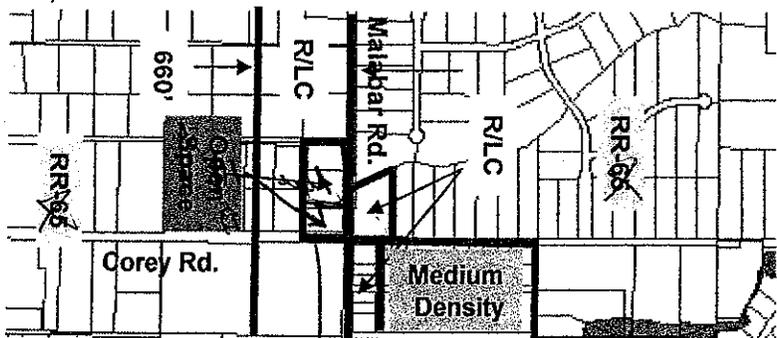
CON

Land Use Along Malabar Rd. (Alexander Ln. to Corey Rd.)

Present Land Use



Proposed Land Use

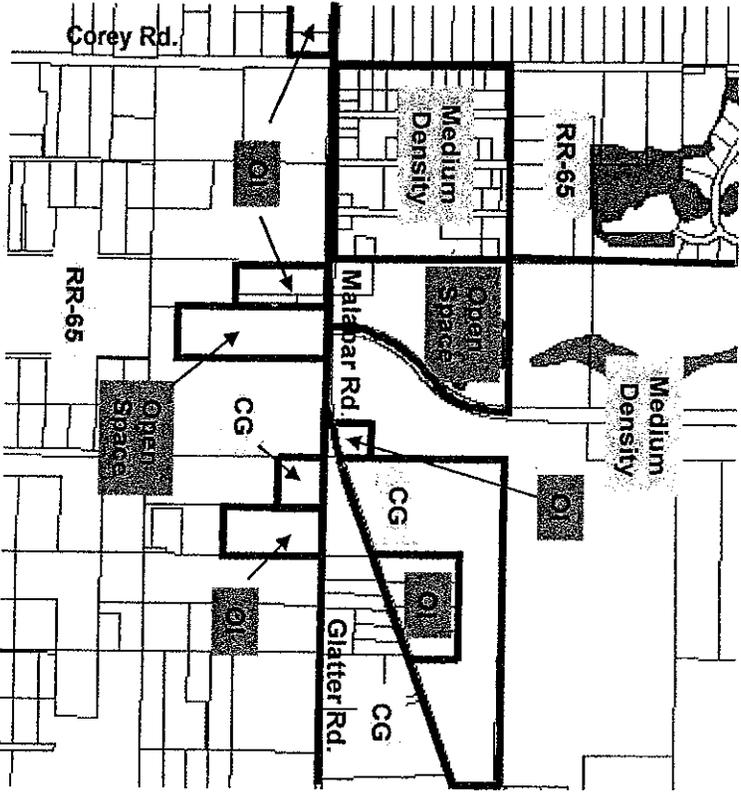


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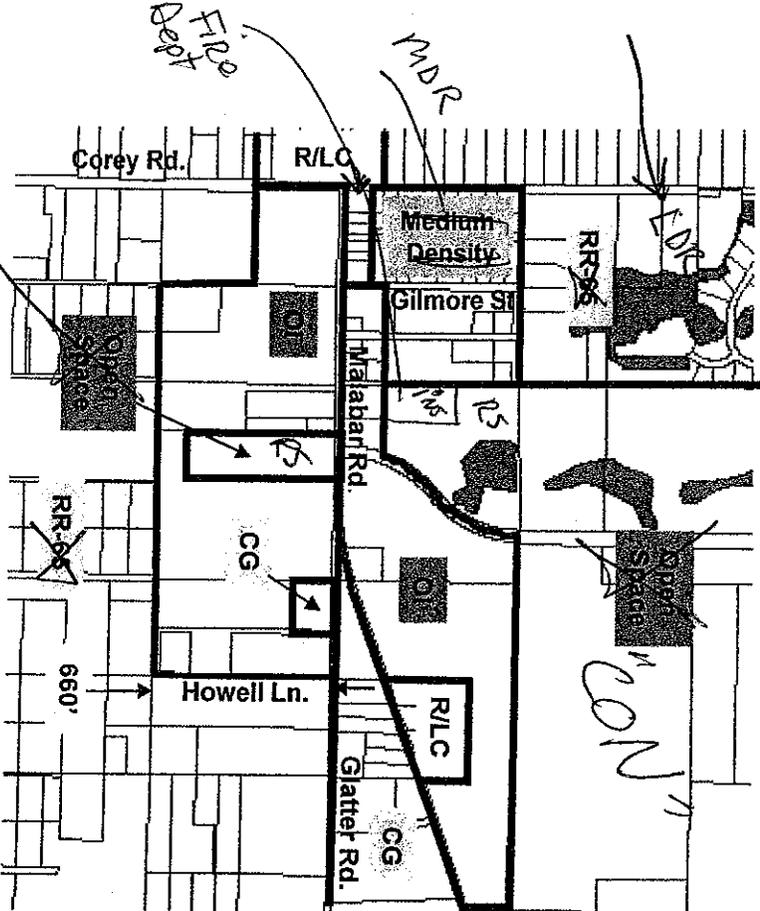
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Land Use Along Malabar Rd. (Corey Rd. to Marie St.)

Present Land Use



Proposed Land Use



MDR on MDC

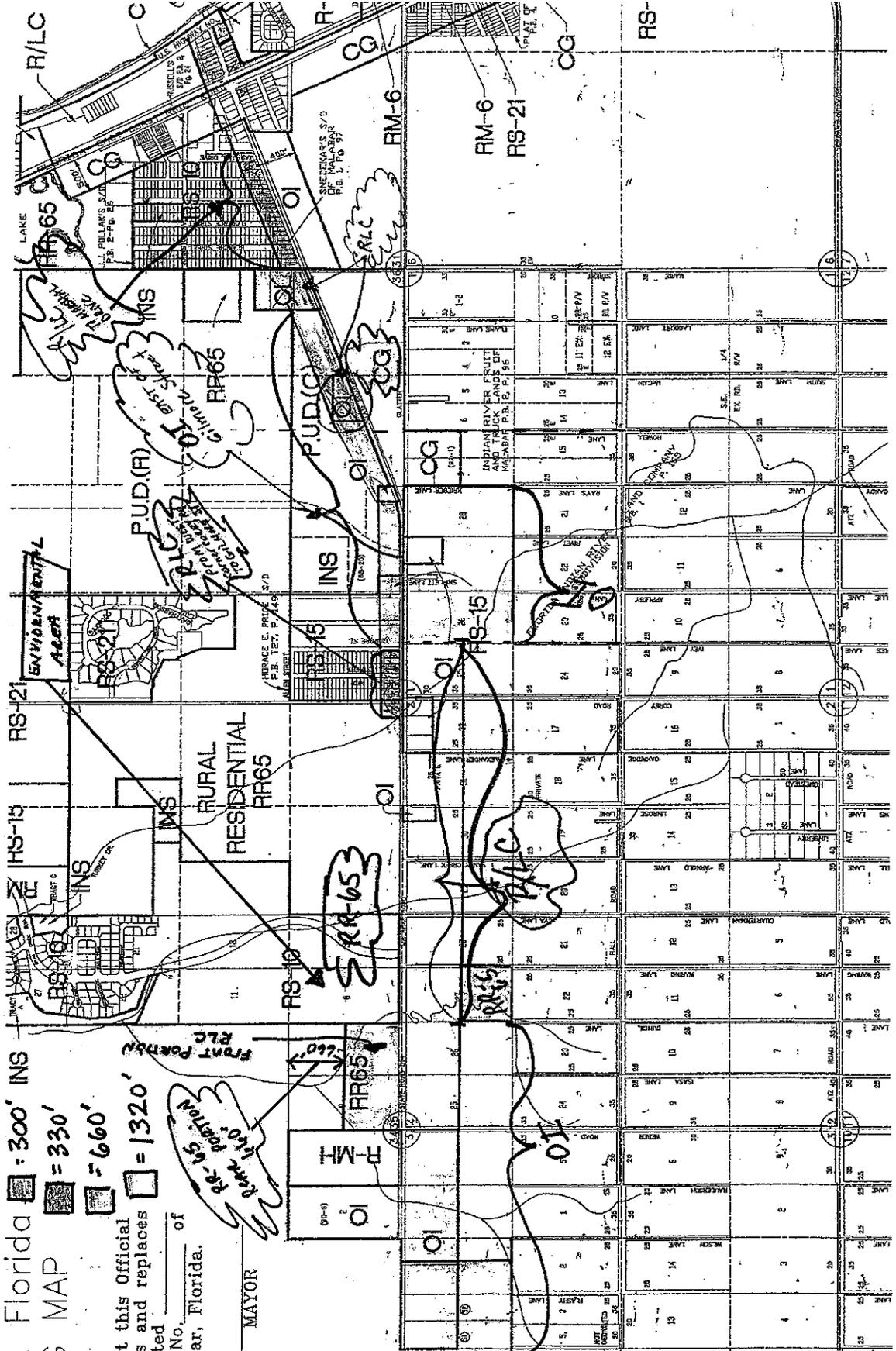
R5

Fire Dept

MDR

CON

Florida  = 300' INS
 MAP  = 330'
 = 660'
 at this Official  = 1320'
 es and replaces  of
 No. _____ of
 ar, Florida.
 MAYOR



Florida  = 300' INS
 MAP  = 330'
 = 660'
 at this Official  = 1320'
 es and replaces  of
 No. _____ of
 ar, Florida.
 MAYOR

ORDINANCE NO. 2004-08

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RELATING TO LAND DEVELOPMENT; AMENDING ARTICLE III OF THE MALABAR LAND DEVELOPMENT CODE; AMENDING TABLE 1-3.3(A) BY REMOVING ALL REFERENCES TO THAT PORTION OF TABLE 1-3.3(A) RELATING TO MAXIMUM DENSITY WITHOUT CENTRAL WATER AND WASTE WATER; AMENDING SECTION 1-3.3(B) PROVIDING THAT ALL PROPOSED DEVELOPMENT WITHIN AREAS NOT SERVED BY CENTRAL WATER AND WASTEWATER SERVICES MUST COMPLY WITH THE SEPTIC PERMITTING REQUIREMENTS OF BREVARD COUNTY; REPEALING SECTION 1-5.20 OF ARTICLE V OF THE MALABAR LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1. Table 1-3.3(A) is hereby amended to remove all references to the Maximum Density Requirement for Lots Without Central Water and Wastewater.

Section 2. Section 1-3.3(B) is amended in full to read as follows:

B. Area Requirements For Uses Not Served By Central Water and Wastewater Services. All proposed development within areas not served by central water and wastewater services shall comply with the septic permitting requirements of Brevard County. ~~have the minimum lot areas as set forth in Table 1.3.3(B).~~

~~TABLE 1-3.3(B). MINIMUM AREA REQUIREMENTS FOR LOTS WITHOUT CENTRAL WATER OR WASTEWATER SERVICES¹~~

Type of Development	Water/Wastewater System	Lot Area
Residential	Septic Tanks or Aerobic Septic Individual Wells	One unit per acre
Residential	Septic Tanks Central Water	One-half acre per unit
Nonresidential	Septic Tanks Individual Wells	One acre per unit

¹~~Individual septic tanks, aerobic septic and individual wells must receive development orders from appropriate County and/or State entities. Land development code standards for specific individual uses may impose larger or more restrictive site/lot area requirements.~~

Section 3. Repeal of Specific Code.

Section 1-5.20 of Article V of the Malabar Land Development Code is repealed in its entirety.

Section 4. Repeal.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed and all Ordinances or parts of Ordinances not in conflict herewith are hereby continued in full force and effect.

Section 5. Severability.

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

Section 6. Incorporation.

It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida and it is herby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

Section 7. Effective Date.

This Ordinance shall become effective immediately upon its adoption.

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

Council member Jane Havet	<u>absent</u>
Council member Brian Hunter	<u>aye</u>
Council member Steve Rivet	<u>aye</u>
Council member Bobbi Moccia	<u>aye</u>
Council member Bob Rossman	<u>aye</u>

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this 12th day of July, 2004.

By: Phillip R Crews
Mayor Phillip R. Crews

First Reading: 06/21/04
Second Reading: 07/12/04

ATTEST
By Susan Kabana
Susan Kabana, CMC
Town Clerk/Treasurer

(seal)

Approved as to form and content:
Karl W Bohne, Jr.
Karl W. Bohne, Jr.
Town Attorney

Corrected Table

DISTRICT PROVISIONS

§ 1-3.3

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot (L)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)				Maximum ImperVIOUS Surface Ratio (%)	Floor Area Ratio (FAR)	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (L)	Side (C)				
Rural Residential Development													
RR-65	65,340	150	250	35/3	1,500	40	30	30	30	20	N/A	80	0.65
Traditional Single Family Residential Development													
RS-21	21,780	120	150	35/3	1,800	35	20	15	15	35	N/A	65	2.00
RS-15	18,000	100	120	35/3	1,500	30	20	15	15	45	N/A	55	2.804
RS-10	10,000	75	100	35/3	1,200	25	20	10	10	50	N/A	50	4.00
Multiple Family Residential Development													
RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	4.00
RM-6	5 acres Minimum Site	200	200	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	10	50	N/A	50	6
Mixed Use Development													
M/LC	20,000	100	150	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120 Commercial: Min. Area: 900 Max. Area 4,000	25	20	10	10	50	N/A	50	4
Mobile Home Residential Development													
R-MH	Site: 5 Acres Lot: 7000					10	8	8	10	50	N/A	50	6.00
Office Development													

Corrected Table

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)				Maximum Impervious Surface Ratio (%)	Floor Area Ratio (FAR)	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (1)	Side (C)				
O1	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	20	20	35	N/A
Commercial Development													
CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	25	10 ⁴	20	15 ³	20	35	N/A
CG	20,000	100	150	35/3	Min. Area: 900 Max. Area: 4,000 Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	20 ⁴ 15 ³	30	20 ⁴ 15 ³	0.20	35	N/A
Industrial Development													
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 ⁶	25 100 ⁶	20 100 ⁶	30 100 ⁶	0.42	30	30	N/A
Institutional Development													
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	30	0.20 0.10 ⁶	40	40	N/A
Coastal Preservation													
CP	No Size or Dimension Standards Adopted												

¹Minimum size sites and lots include one-half of adjacent public right-of-way.
²Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.
³Setback where rear lot line abuts an alley.
⁴Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
⁵Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
⁶Recreation activities maximum FAR shall be .10.

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot (L)			Maximum Height (ft.) (stories)	Minimum Living Area (sq. ft.)	Front			Rear			Setback (ft.) (2)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Maximum Density (units per acre)	With Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Side (L)	Side (C)	Front	Side (L)	Side (C)	Front	Side (L)	Side (C)				
Rural Residential Development																		
RR-65	65,840	160	250	35/3	1,500	40	30	30	30	30	30	30	30	20	N/A	80	0.66	
Traditional Single Family Residential Development																		
RS-21	21,780	120	150	35/3	1,800	35	20	20	15	15	15	15	15	35	N/A	65	2.00	
RS-15	15,000	100	120	35/3	1,500	30	20	20	15	15	15	15	15	45	N/A	55	2.904	
RS-10	10,000	75	100	35/3	1,200	25	20	20	10	10	10	10	10	50	N/A	50	4.00	
Multiple Family Residential Development																		
RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	40	40	40	40	50	N/A	50	4.00	
RM-6	5 acres Minimum Site	200	200	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	20	10	10	10	10	10	50	n/a	60	6	
Mixed Use Development																		
R/LC	20,000	100	150	35/3	Single Family: Multiple Family: 1 Bedroom: 600 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120 Commercial: Min. Area: 900 Max. Area: 4,000	25	20	20	10	10	10	10	10	50	n/a	50	4	
Mobile Home Residential Development																		
R>MH	Site: 5 Acres Lot: 7000					10	8	8	8	8	8	8	8	60	N/A	50	6.00	
Office Development																		
O1	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	20	25	25	25	25	65	20	35	N/A	
Commercial Development																		
CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	25	25	10 ⁴ 16 ⁵	20	20	20	20	65	0.20	35	N/A	

Zoning District	Minimum Lot (1)		Maximum Height (ft./stories)	Minimum Living Area (sq. ft.) Min. Area: 900 Max. Area: 4,000	Setback (ft.)(2)				Maximum ImperVIOUS Surfaces Ratio (%)	Maximum Building Coverage	Maximum Density (units per acre)	With Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)			Depth (ft.)	Front	Rear	Side (D)				
CG	20,000	100	150	35/3	50	25	20 ⁴ 16 ⁵	30	65	0.20	35	N/A
Industrial Development												
IND	20,000	100	150	35/3	50 100 ⁶	25 100 ⁶	20 100 ⁶	30 100 ⁶	70	0.42	30	N/A
Institutional Development												
INS	20,000	100	150	35/3	50	25	20	30	60	0.20 0.10 ⁸	40	N/A
Coastal Preservation												
CP	No Size or Dimension Standards Adopted											

¹Minimum size sites and lots include one-half of adjacent public right-of-way.
²Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.
³Setback where rear lot line abuts an alley.
⁴Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
⁵Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
⁶Recreation activities maximum FAR shall be .10.

DISTRICT PROVISIONS

§ 1-3.3

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot (1) Size (sq. ft.)	Width (ft.)	Depth (ft.)	Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Front	Rear	Side (1)	Side (C)	Maximum Impervious Surface Ratio (%)	Floor Area Ratio (FAR)	Minimum Open Space (%)	Maximum Density (units per acre) With Central Water and Wastewater	Maximum Density (units per acre) Without Central Water and Wastewater
Rural Residential Development														
RR-650	65,340	150	250	35/2.5	1,500	40	30	30	30	20	N/A	80	0.86	0.66
Traditional Single Family Residential Development														
RS-21	21,780	120	150	35/2.5	1,800	35	20	15	15	35	N/A	65	2.00	1.00
RS-15	15,000	100	120	35/2.5	1,500	30	20	15	15	45	N/A	55	2.904	1.00
RS-10	10,000	75	100	35/2.5	1,200	25	20	10	10	50	N/A	50	4.00	1.00
Multiple Family Residential Development														
RM-4	5 Acres Minimum Site	200	200	35/2.5	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	4.00	1.00
RM-6	5 acres Minimum Site	200	200	35/2.5	Single Family: 120	25	20	10	10	50	n/a	50	6	1
Mixed Use Development														
M/LC	20,000	100	150	35/3	Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120 Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120 Commercial: Min. Area: 900 Max. Area 4,000	25 50	20 25	10 10 ⁴	10 20	50 65	n/a n/a	50 35	4 6	2 2
														0.20

TOWN OF MALABAR PROPOSED FUTURE LAND USE CHANGES

PRESENTED BY THE PLANNING AND ZONING COMMITTEE

FEBRUARY 24, 2010

Present Zoning Districts

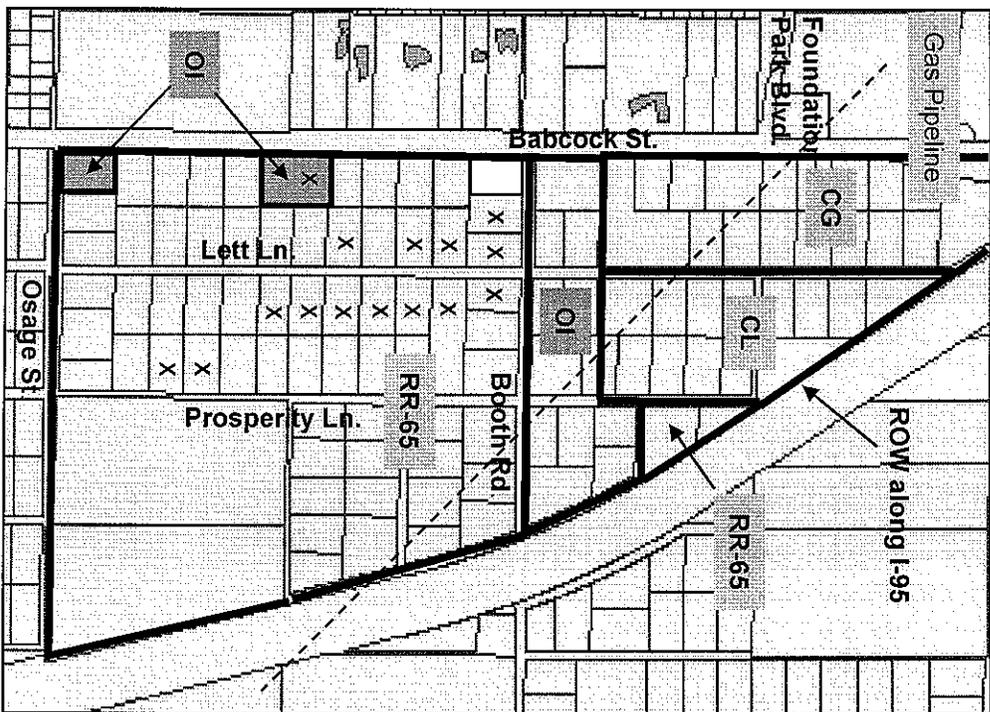
- Residential/Limited Commercial
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Rural Residential
- Commercial General
- Commercial Limited
- Industrial
- Office Institutional
- Institutional Services
- Open Space and Recreation

Related Data

- Along US 1 was not addressed
- Use FLU-9 Map for Present Land Use
 - It was 1988's Future Land Use, now it is Malabar's Present Land Use Map
- Definitions of Malabar's Zoning Districts
 - Malabar Land Development Code, Article III, District Provisions handout
 - Board is presently looking at the R/LC densities in the Land Development Codes
- Satellite Aerial Maps

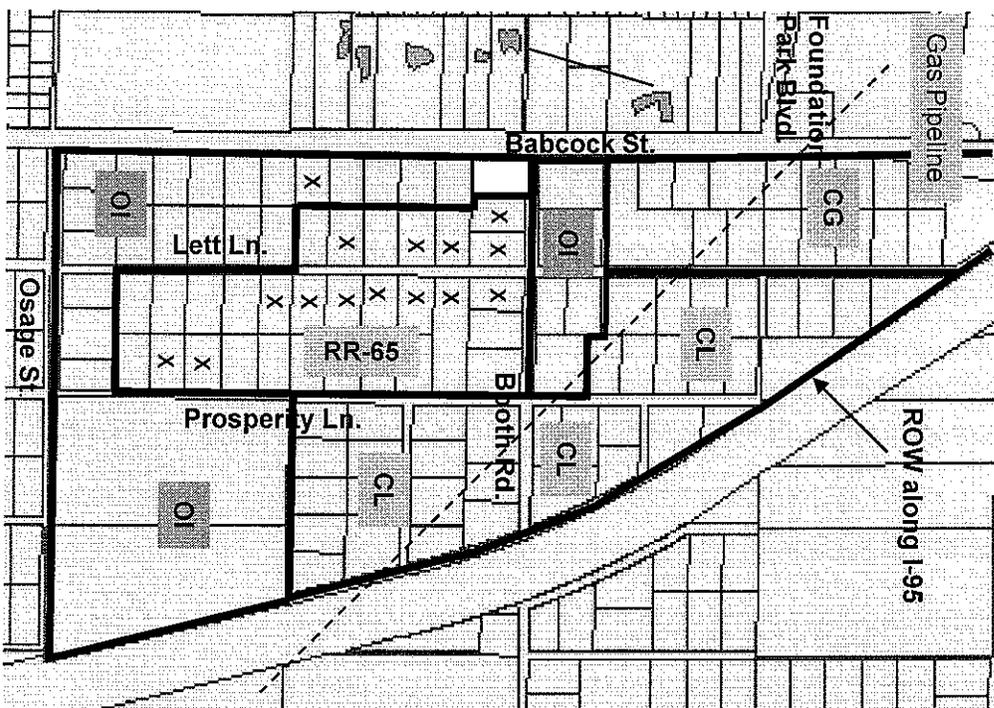
Land Use Along Babcock Street

Present Land Use



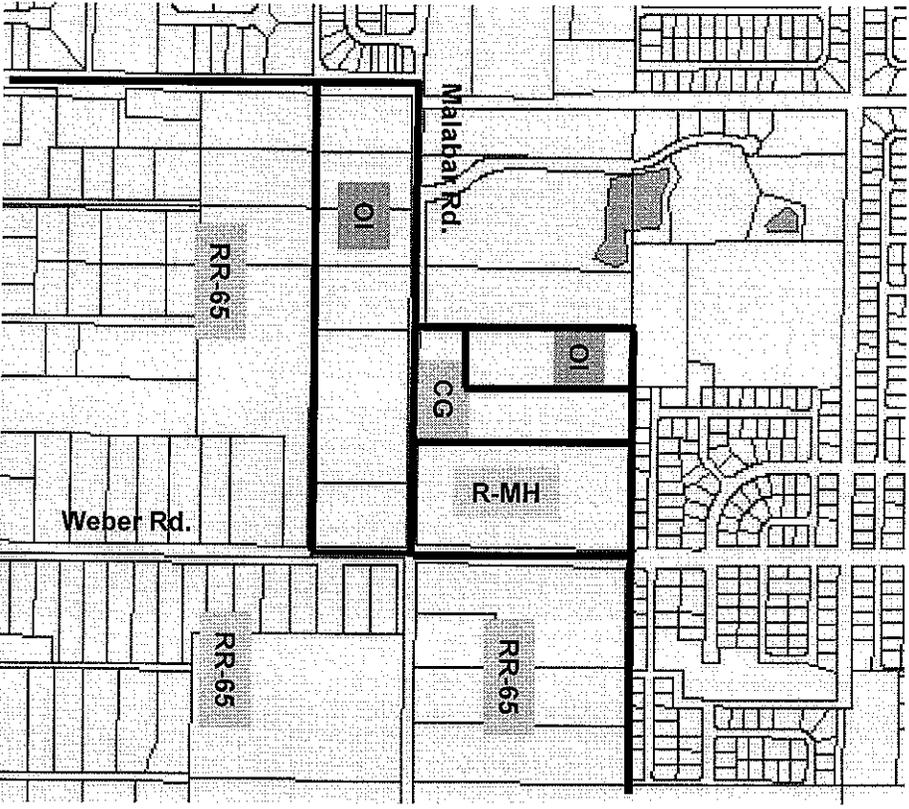
X = Homes

Proposed Land Use

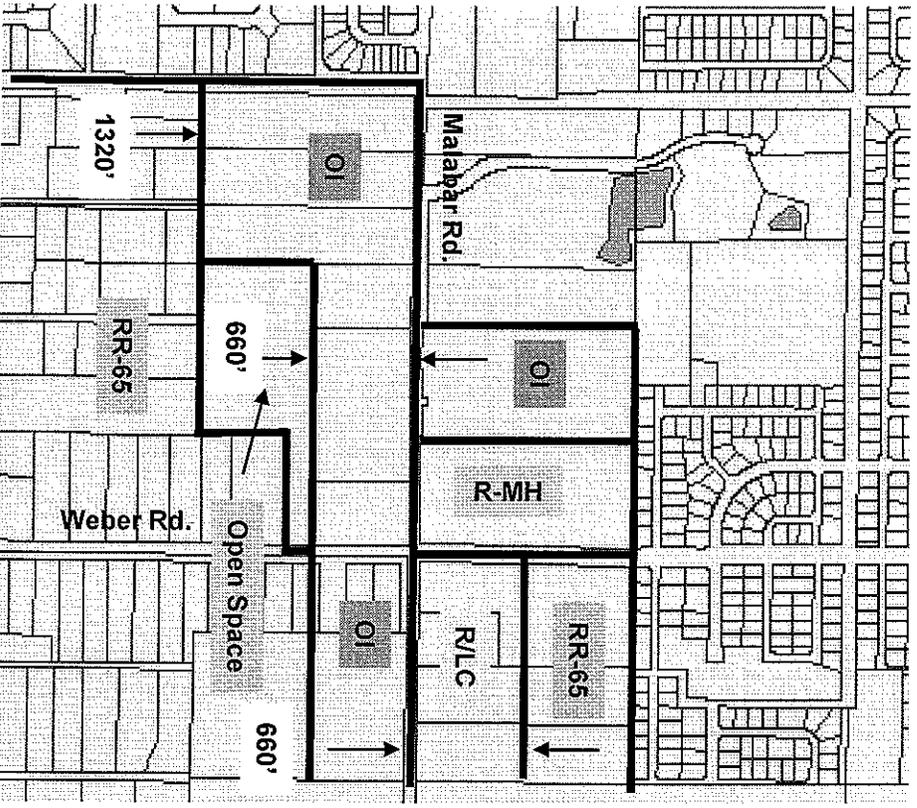


Land Use Along Malabar Rd. (West end)

Present Land Use

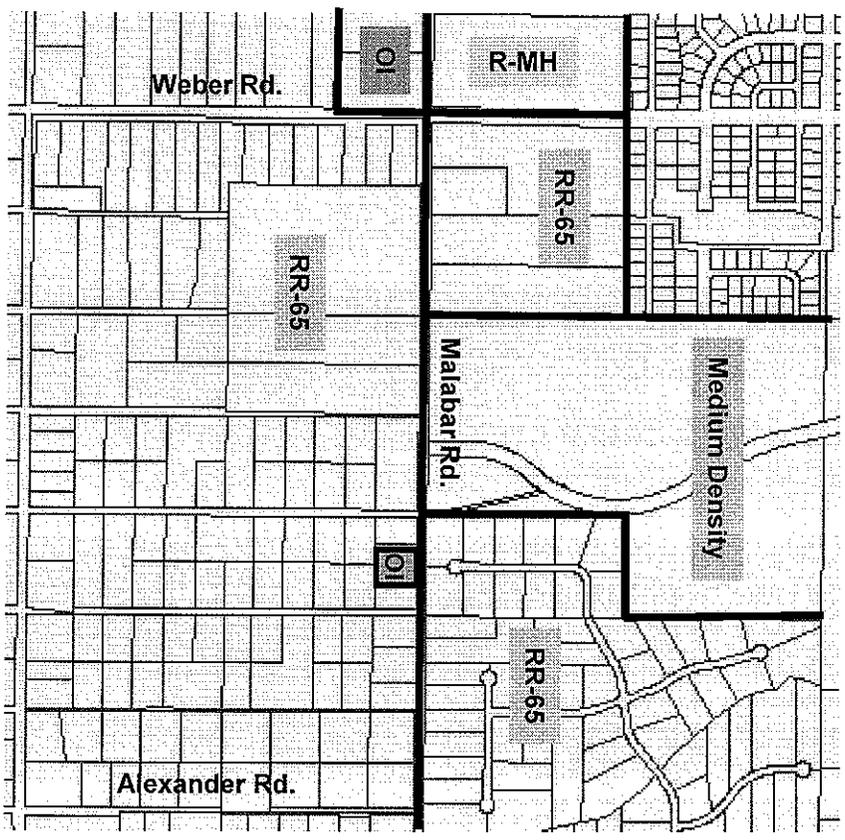


Proposed Land Use

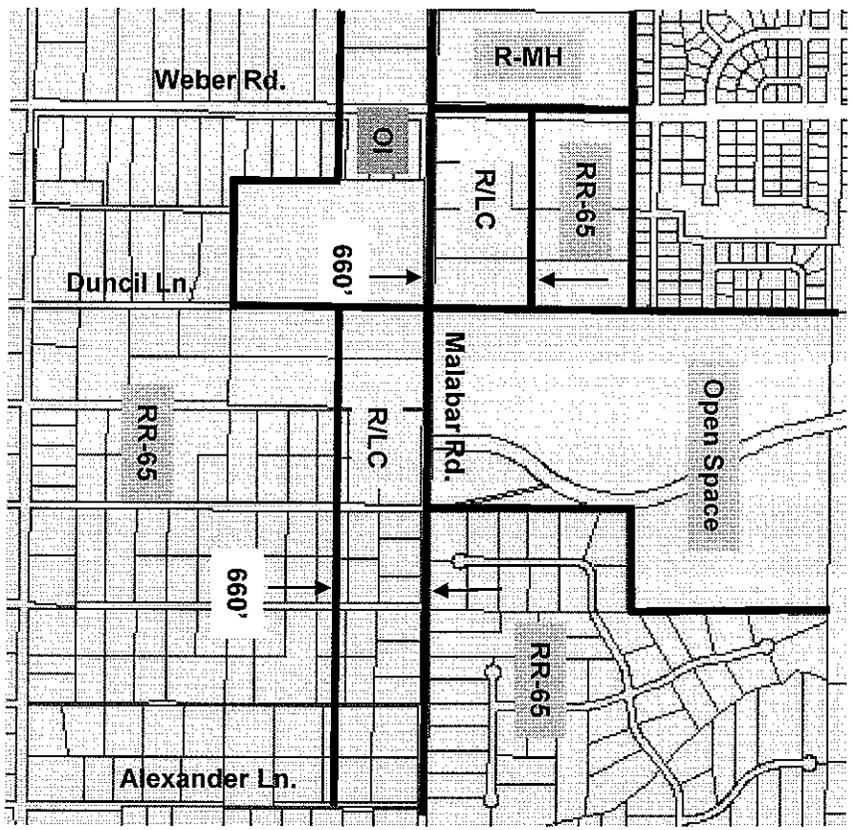


Land Use Along Malabar Rd. (Weber Rd. to Alexander Ln.)

Present Land Use

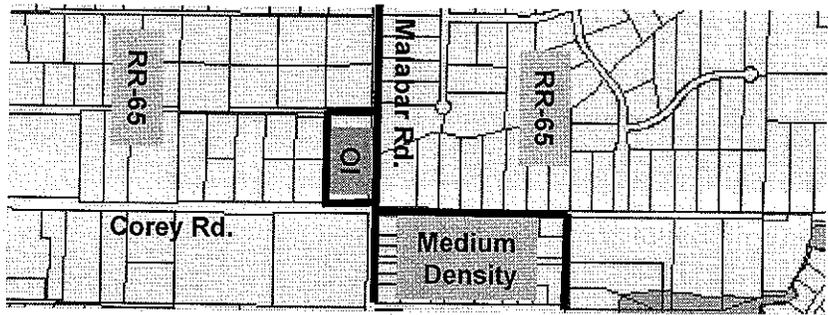


Proposed Land Use

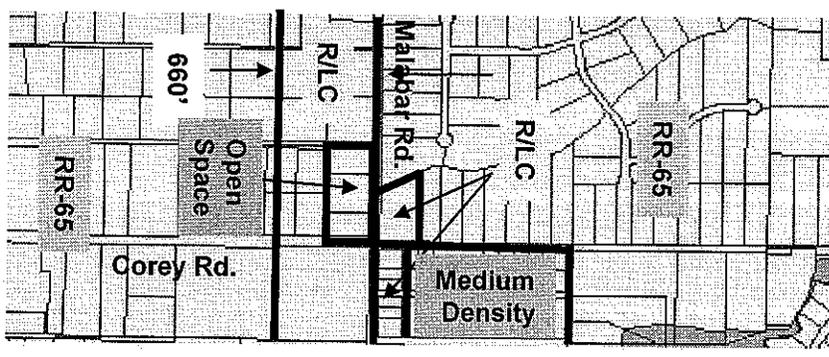


Land Use Along Malabar Rd. (Alexander Ln. to Corey Rd.)

Present Land Use

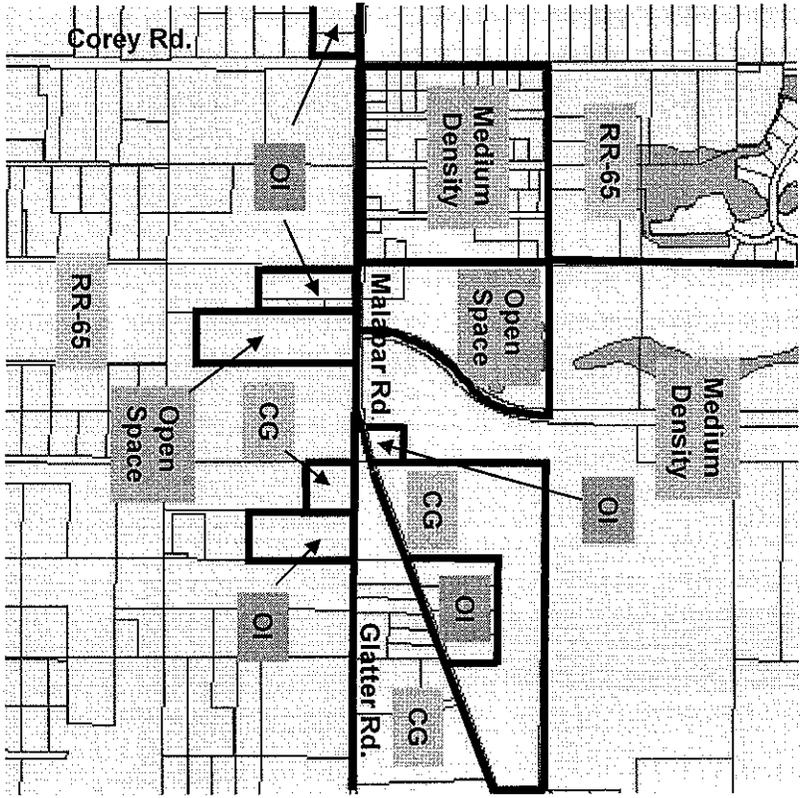


Proposed Land Use

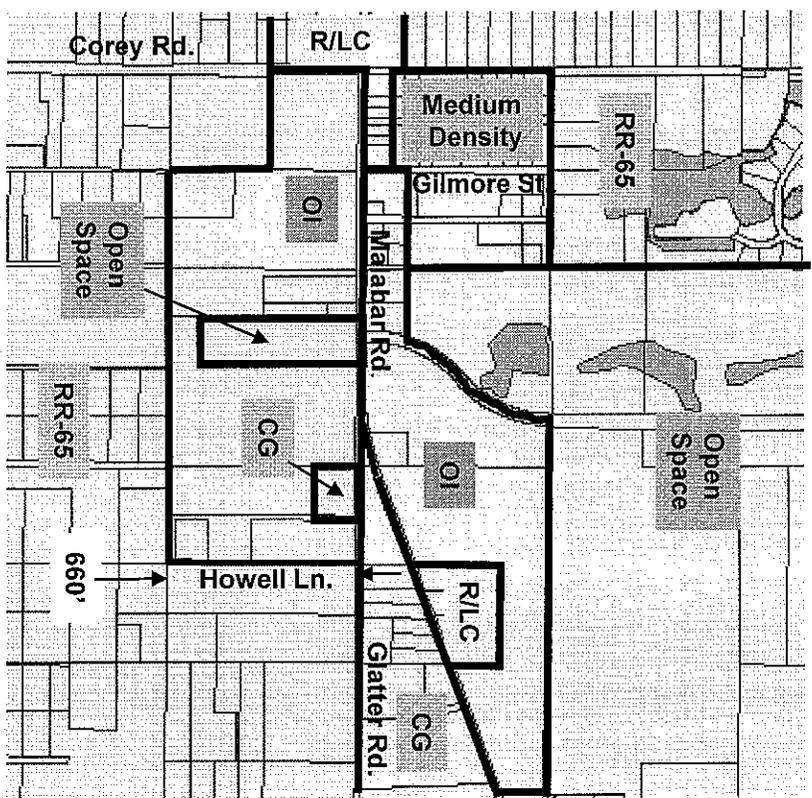


Land Use Along Malabar Rd. (Corey Rd. to Marie St.)

Present Land Use

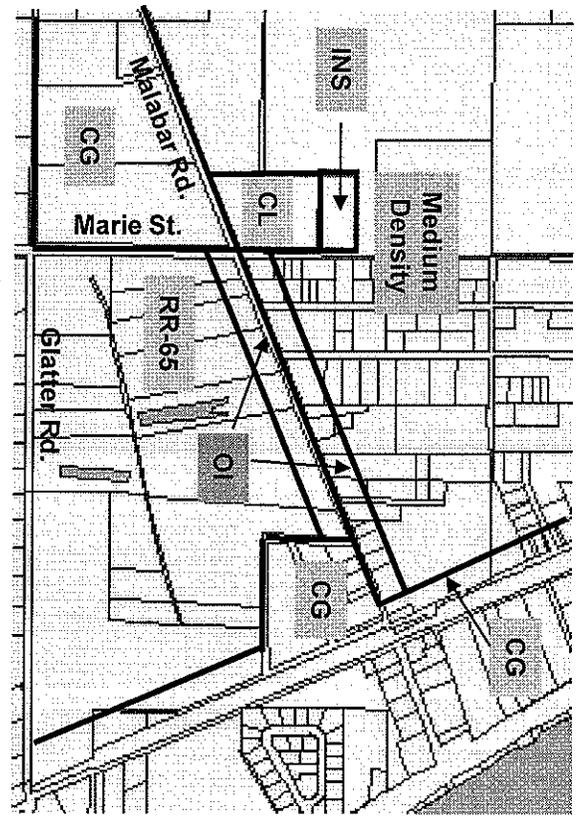


Proposed Land Use

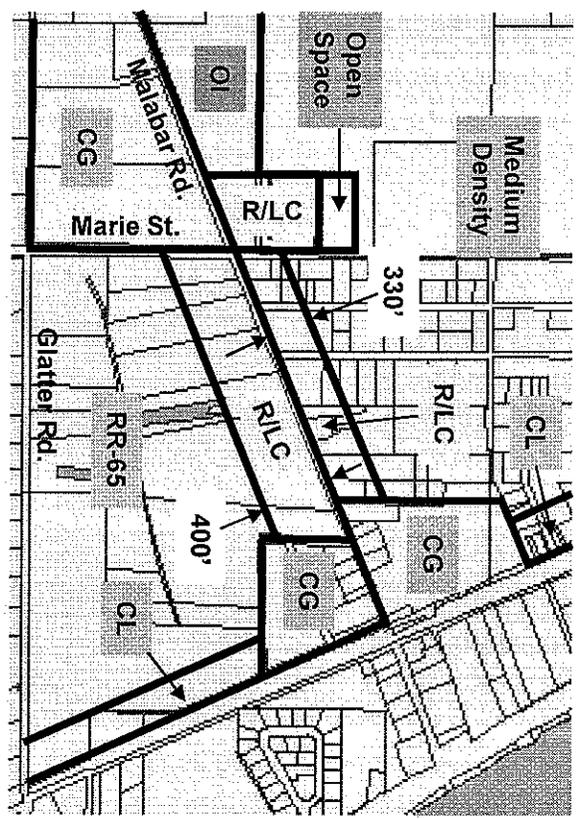


Land Use Along Malabar Rd. (Marie St. to US1)

Present Land Use



Proposed Land Use



TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: August 11, 2010

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

SUBJECT: Quick Review Corrected Fence Ordinance

BACKGROUND/HISTORY:

This is the Corrected version of Fence Ordinance suggested by this Board; please review this before it is forwarded to Council for Approval.

ATTACHMENTS:

- Fence Ordinance to be sent to Council for Approval

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.

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.

Entrance Gate means a gate designed for ingress and egress for vehicular traffic to and from a lot or parcel that directly connects to the public roadway. Entrance Gates may be constructed of approved materials and may be opened manually or by automated means and may be guided by hinges, tracks, or other approved means as approved by the Adopted Building Code.

Fence means a vertical row of nonliving material, 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. Such amenities as kennels, cages, corals, trellises and related conveniences are not fences for the purposes of this subsection.

Gate means a rigid structure to open and close in order to allow ingress and egress through a fence or wall. Gates may be constructed of approved materials and may be opened manually or by automated means and may be guided by hinges, tracks, or other approved means as approved by the Adopted Building Code.

Height means the distance from existing grade to the top of such fence or wall including post and/or uprights 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 primarily composed 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.

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.

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

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

(c) Height restrictions for fences, walls, gates, ~~arches~~ and related structures in residential districts shall comply with the following height requirements:

1. Except as provided in this section, no portion of any fence or wall shall be more than five (5) feet in height. Such permitted fences or walls 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.
2. For any lot or parcel not containing a structure, the requirements of subsection (c) ~~1 or 4~~, shall be applied 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.
3. Any lot or parcel located within a RR-65 District shall be permitted a fence or wall six (6) feet or less in height.
4. Subject to the requirements in this subsection the owner of any lot or parcel located in RR-65 District may install gates and/or entrance gates and supporting structures that do not exceed two (2) feet above the maximum height restriction to which such gate and support structures is attached.
5. Arches or other decorative features may supplement gates. Arches or other decorative features associated with an entrance gate serving as the primary vehicular ingress and egress to the public roadway must meet FDOT minimum height requirements of 13.6 feet for safe passage of emergency vehicles. In addition such structures must be set back at least 15 feet from the front property line and a minimum of 20 feet in width.

(d) Height restrictions for 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 Zoning Districts, RS, RR-65, R-MH, & RM, 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 shall exceed six (6) feet in height.

(e) Maintenance of fences, walls or related structures. All fences, walls and associated structures in the Town shall be maintained in good repair and in a structurally sound condition. All such structures shall be maintained to their original specifications.

(f) 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 relating to the type of construction, required materials, height and location as approved by the ~~Adopted~~ Building Code.

2. Posts and stringers required for the support of opaque fences shall not be visible from the side facing any abutting property, for which such fence permit was issued. Posts shall be a treated wood type or wood or material type with a resistance to decay as adopted by code.

3. 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.

4. 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.

(g) Permit required for fence, walls and related structures. No fence, walls or related structures shall be constructed, erected, replaced or altered between abutting parcels unless a permit therefore 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. Permits are not required for periodic repair and maintenance of an existing fence or wall.

(h) Permit fee. Permit fees shall be calculated in accordance with adopted resolutions. No permit shall be issued unless and until all fees associated with said permit are paid.

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

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

2. A non permanent fence or gate may be constructed on any public easement providing the property owner making application for such fence has submitted written permission from any affected property owners and 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 when access to said public easement is required.

(j) Town Council may authorize non-compliant design specifications only 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.

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

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