

TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY AUGUST 8, 2012
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 – 7/25/2012
Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve

- E. PUBLIC:**
- F. ACTION:**
- G. DISCUSSION:**
 - 2. Continued Discussion on Checklists and Permit Requirements for Decorative Water Features and Ponds**
Exhibit: Agenda Report No. 2
Recommendation: Discussion
 - 3. Define “Light Industrial” Zoning**
Exhibit: Agenda Report No. 3
Recommendation: Discussion
 - 4. Code Requirements for Assisted Living Facilities**
Exhibit: Agenda Report No. 4
Recommendation: Discussion
- H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:**
- I. PUBLIC:**
- J. OLD BUSINESS/NEW BUSINESS:**
- K. 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 8 2012

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 25, 2012

ACTION OPTIONS:

Secretary requests approval of the minutes.

“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 25, 2012 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 7:35 P.M. Prayer and Pledge led Chair Bob Wilbur.

B. ROLL CALL:

CHAIR:	BOB WILBUR
VICE-CHAIR:	PAT REILLY
BOARD MEMBERS:	DON KRIEGER
	BUD RYAN
	LIZ RITTER
ALTERNATE:	WAYNE ABARE
ALTERNATE:	LEEANNE SAYLORS
BOARD SECRETARY:	DENINE SHEREAR
RECORDING CLERK:	DEBBY FRANKLIN,excused

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 6/13/12 & 6/27/12

MOTION: Reilly/Ritter to approve 6/13/12 minutes as corrected / submitted.

Ryan corrections page 3/28 second sentence... Ryan adds that is the smartest ~~was~~-should be way.

Abare corrections page 5/28 5th paragraph up from bottom ... Abare says you have to ~~put~~-should be use

Vote: All Ayes

MOTION: Ryan /Ritter to approve 6/27/12 minutes as corrected / submitted.

Abare corrections page 9/28 last sentence ... Abare said if you want to fill a septic tank you have to condemn it add the under line words to sentence.

Vote: All Ayes

E. PUBLIC: none

F. ACTION:

G. DISCUSSION:

2. **Continue Discussion on Checklists and Permit Requirements for Decorative Water Features and Ponds**

Exhibit: Agenda Report No. 2
Recommendation: Discussion

Reilly stated we should be on section 2. Krieger adds that he read it as a full feature finished product and was impressed with reorganization which made it good.

Sherear comments that she did not receive any input from Board before this meeting to include in agenda packet. Sherear also adds that format will be taken care of by municode.

Reilly says we should be up to 1-5.28. Abare comments that we should go through each paragraph.

The Board is going through "Definitions" page 14/28...

"B" Construction debris...pip should be pipe

Krieger is talking about construction debris...generally non-hazardous in nature. Wilbur is explaining the list is what they do not want in the ground.

Leeanne adds nowhere in that definition says it is not allowable. It is just a definition of construction debris. Wilbur is explaining this is referring to construction debris from a demolition project [e. existing building on property and a pond behind it you pump the pond down demo the building push it in the pond and cover over it. This is to prohibit that from happening.

Reilly comments that this is the only place that construction debris is mentioned. Also correction the period after Town is in wrong spot.

Leeanne suggests adding pipe for pip-

"F" Excavated Material- . add project site after remove from should be...removed from the project site.

Krieger "I" To Fill take out ~~permit is required~~ page 14/28

Page 15/28

Abare suggests taking out the last sentence.

The Board is discussing the definitions and eliminating the last sentence. Wilbur suggests keeping "to fill"

Corrections: A. DWF Any person wishing to construct, alter, or to fill a DWF within the Town of Malabar must, as a precondition, obtain a DWF permit.

Leeanne comment it is addressed in the first sentence.

Corrections page 15/28 #6:

Abare adds if you put a DWF in the middle of wetland you're in serious trouble. You have to get permission to do anything on property anymore.

The Board is discussing wetland delineation.

Krieger comments that this is so much for this little thing you are doing, we determined this is a little thing and this is a big thing that you have to get a letter from Dept of Environmental Protection (DEP) Agency. Ritter/Reilly explains that it "could be" required. Ritter explains there are four (4) options.

Page 15/28 #6

Add the coma after property appraisers.

Wilbur comments that you need more than an aerial when you are talking ponds.

Leeanne suggests in order to make things clear and have some consistency maybe you may need to bullet the different options.

Ritter explain is states "could be". Wilbur explains depending on the location you may need more than an aerial you may need a few of these important items.

Leeanne suggests adding "including but not limited to..." Krieger adds it may be understood as you may need all items. Ritter says, if you leave as is, it is understood as one of four items or something else.

Ryan.Ritter to add in #6 Evidence that the DWF area... Board agreed.

7 Reilly reviewing to change "OR" to small or. Ryan suggests to change "to filling" to for filling" the Board is discussing

Reilly adds that this sentence is a two action sentence too many things going on in sentence.

#7 corrected version-Board agreed:

#7 Plan for use excavated material or written statement on method of disposal. If being used on site, show on sketch where materials will be used or type of material to be used for filling the DWF.

Ryan excused at 8:27 PM.

Page 15/28

"B" Ponds corrections:

Ritter to correct: Ponds any person wishing to construct, alter or to fill an existing pond within the Town of Malabar must as a precondition, obtain a pond permit.

In order to obtain a pond permit, the applicant is required to submit an original and (2) sign/sealed engineered Site Plans with the following information shown:

Wilbur suggests copying #1 from DWF, but Leeanne adds, in copying #1 we should remove not, Board agrees.

#1 Boundary of property will be shown by heavy line-i.e. sketch, property survey, aerial survey, plat map and topography.

Wilbur/ Krieger explaining that back in the 80's the roads and drainage committee decided that we (the Town) were an arterial drainage system and that a property owner's responsibility is to drain to some existing drainage ditch. That swales where put in place and homeowners would have to drain into them.

Krieger suggests in these Ordinances, rather than specifics to draw to whatever the limitation of the larger entity is in other words DEP or SJRWd you have to reference that there may be thresholds that require more information needed.

Leeanne comments we can handle things in generalities with saying the appropriate government agencies, that things have been checked. Appropriated to these situations.

Board is discussing corrections:

Page 16/28

#2 change OR to or

#3 take out ~~and wet season water table.~~

The Board is discussing line by line points & correcting accordingly

#6 take out ~~and that are affected by project area~~

#7 add the following Evidence that the pond... & coma after property appraiser,

#8 Site Plan to show use of top soil and estimate volume of excavated material on the project site. Including estimates ...

Show on site plan where material will be used including engineered estimates of post construction topography. (take out depth)

The Board is discussing contaminations.

#9 When take out If

Abare asks what an overflow plan is...

Ritter explaining to Abare, your suppose to keep all your water on site, but if you have a 10 year rain your suppose to show where you would put that rain. We have detention/ retention ponds required if it rains we have to have a certain depth to catch overflow of flood water.

Wilbur also adds you have to have an area to hold water that runs off the impervious surface that runs into swales and drains properly.

Next meeting start at 3.0 Design Considerations for DWF or Ponds.

The Board is stopping here and go on with agenda at next meeting.

3. Define "Light Industrial" Zoning

Exhibit: Agenda Report No. 3
Recommendation: Discussion

4. Code Requirements for Assisted Living Facilities

Exhibit: Agenda Report No. 4
Recommendation: Discussion

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

I. PUBLIC:

Cindy Zindel 1533 Weir Lane, Malabar- at the Council meeting there was never anything said about my resignation and the welcoming of a new member. Than here there was nothing on the Agenda to welcome the new member.

Leeanne comments or thank you Cindy for you service to the P&Z Board.

Cindy comments about "Wet season water table" that Brevard County told her it is two feet below surface of natural ground; In Florida .

I know there is Wetland map in comp plan that were updated.

Topographical maps where I come from show you the veins of the different types of soil that run through the land.

Wilbur explains that topographical maps show elevations.

J. OLD BUSINESS/NEW BUSINESS:

Wilbur asks about future meeting agenda items Sherear explains that Land Use will be coming back on Agenda in the future

Sherear also informed that the Building Department has received calls in reference to assisted living facilities in the Town.

Krieger comments that assisted living comes before the land use because we already made a recommendation to Town Council we have still define "R/LC" better look at the "Light Industrial" the big question do we want to change the land use , when we change land use will we be changing zoning? Is that going to affect the cost for people. We have done a lot of work and we set guidelines that doesn't mean we have to change it, it means now we have a set of guidelines that if someone comes in an asks; now we have talked about it. I would like to understand what it does to the tax base I wouldn't want to go forward with land use. Reilly said that Debby has already told you. Krieger/Ritter said that Debby did not have a definitive answer.

Krieger explains because it is simpler to change the land use and zoning at the same time, I would be against that. If they wanted to change the land use and then have the individuals come for the zoning that's another issue.

Reilly explains that the Comp Plan zonings need to match the land use you cannot go higher than what it states. The land use can be lower but not higher than what zoning is.

Ritter said thank you to Cindy for being on the Board.

K. ADJOURN

There being no further business to discuss, **MOTION: Reilly/Krieger to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:53P.M.

BY:

Bob Wilbur, Chair

Denine Sherear, P&Z Board Secretary

Date Approved

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: August 8, 2012

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

SUBJECT: Decorative Water Features and Ponds

BACKGROUND/HISTORY:

The Board reviewed the proposed Amendment Article V Section 1-5.27(dated 7/25/12), ~~Decorative Water Features (DWF) and Ponds. After much discussion, corrections, and wording~~ of the proposed Amendment Art V, Section 1-5.27 the Board will review the corrected copy from the last meeting.

The Board directed staff to bring clean copy of Article V Section 1-5.27 of corrections made thus far. We will continue work review from 3.0 Design Considerations for "Decorative Water Features or Ponds" at next meeting.

Staff researched clarification for distance/setbacks for Brevard County Health Department Environmental Public Health Services for water.

The formatting of Article V Section 1-5.27 will be put in to Code Book format by Municode.

ATTACHMENTS:

"Clean" Proposed Code Amendment of Article V, Section 1-5.27 for DWF and Ponds (7/25/12)
Permit Application and Checklist for DWF (Decorative Water Feature)
Permit Application and Checklist for Pond Permit
Brevard County Health Dept setback information

ACTION OPTIONS:

Continued Discussion

Section 1-5.27. Decorative Water Features and Ponds.

General provisions. It shall be a violation of this ordinance for any person to construct, or permit to be constructed, or alter an existing decorative water (DWF) feature or pond within the Town of Malabar without first obtaining a decorative water feature or pond permit from the Town of Malabar.

1.0 Definitions.

A. *Allowable material.* Shall mean uncontaminated sand, soil or dirt or other items approved by the Town. Construction debris and yard waste shall not be considered allowable material.

B. *Construction debris.* Shall mean material generally considered not to be water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard and lumber, metal, asphalt paving material, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation or maintenance of a structure.

C. *Decorative Water Feature (DWF).* Shall mean any excavation for the purpose of retaining water wherein the surface area is 1,000 square feet or smaller in size.

D. *Depth, Maximum permitted.* The maximum depth allowed for a DWF or a pond is 12 feet. For example per the UF Extension Service ponds should be at least 6 to 8 feet deep. Shallow water should be avoided unless the site is to be used to attract waterfowl.

E. *Excavated Material.* Shall mean the material, not top soil, removed from the project site. All topsoil shall be used on site. Use of other excavated material shall be used on the property where the DWF or pond is constructed.

F. *Freeboard.* Freeboard is the safety feature to be incorporated into the design for all ponds. Freeboard is the added height of the soil surface over the design water surface elevation.

G. *Impound Area.* The area of the pond or DWF that holds the water.

H. *To fill.* Shall mean the adding of allowable material to alter the existing topography or characteristics of the surface area or depth of an existing decorative water feature or pond.

I. *Littoral zone.* Shall mean that portion of the decorative water feature or pond which is close to the shore and allows sunlight to reach the bottom, typically less than three (3) feet deep.

J. *Pond.* Shall mean any excavation for the purpose of retaining water wherein the surface area or depth is greater than 1,000 square feet in size. Any fill activity which reduces the surface area or depth of an existing pond, regardless of size, may only be accomplished after a permit authorizing such activity has been issued.

K. *Project site.* Shall mean the area where the decorative water feature or pond shall be located and all other affected areas of the property.

2.0 Permits for Decorative Water Features and Ponds.

A. *Decorative Water Feature (DWF).* Any person wishing to construct, alter, or to fill a DWF within the Town of Malabar must, as a precondition, obtain a DWF permit.

In order to obtain a decorative water feature permit, an applicant must provide the following:

The applicant is required to submit an original and two (2) Detailed Drawings with the following information shown:

1. Boundary of property shown by a heavy line – ie. a sketch, property survey, aerial survey, plat map; a professional signed and sealed survey is not required.
2. Indicate on sketch the location, size, dimension and depth of DWF to be constructed OR filled
3. Existing structures shown on drawing (including setbacks from all property lines)
4. An identification of trees in DWF project site with a dbh (dimension at breast height) of 8” or greater. This includes both trees to remain and those proposed for removal.
5. Location of well(s) and drain field(s) within 75 feet of project site.
6. Evidence that the DWF area is not in a wetland. This could be a letter from Florida Department of Environmental Protection, a printout from the Brevard County Natural Resources, aerial from Brevard County Property Appraiser, or property survey.
7. Plan for use of excavated material or written statement on method of disposal. If being used on site, show on sketch where materials will be used or type of material to be used for filling the DWF.
8. Stormwater drainage / retainage and overflow plan. Indicate with arrows on sketch how overflow water from DWF will drain.

B. *Ponds.* Any person wishing to construct, or to fill an existing pond within the Town of Malabar must, as a precondition, obtain a pond permit. In order to obtain a pond permit.

In order to obtain a pond permit, the applicant is required to submit an original and (2) sign/sealed engineered Site Plans with the following information shown:

1. Boundary of property will be shown by heavy line- i.e. sketch, property survey, aerial survey, plat map and topography.
2. Proposed project site location, dimensions and depth of Pond to be constructed or filled showing setbacks from property lines

3. Dimensions to show the side slope elevations.
4. Existing structures shown on Site Plan (including setbacks from all property lines)
5. An identification of trees in Pond project area with a dbh (dimension at breast height) of 8" or greater
6. Location of well(s) and drain field(s) within 75 feet of project site.
7. Evidence that the pond area is not in a wetland. This could be a letter from Florida Department of Environmental Protection, a printout from the Brevard County Natural Resources, aerial from Brevard County Property Appraiser, or property survey.
8. Site Plan to show use of top soil and estimated volume of excavated material on the project site. Show on site plan where material will be used including engineered estimates of post construction topography. If material is not useable a letter from a Florida registered Engineer is required to be submitted to the Town stating why the material is not suitable i.e. due to contamination, muck, etc or the amount exceeds what can be put on the site due to layout of property.
9. When filling in a pond, a written explanation on the type of material to be used to fill the pond and the method of compaction.
10. Stormwater drainage / retainage and overflow plan. Indicate with arrows on site plan how overflow water from pond will drain.

3.0 Design Considerations for Decorative Water Features or Ponds

- A. *Design Considerations.* Side slopes depend on the stability of the excavated material. For example side slopes shall mean the ratio between the horizontal and vertical distance of excavated ponds as measured from the edge of the water and should be no steeper than natural angle of repose of the material being excavated. For example clay soils have a steeper angle of repose than sandy soils.
- B. *Site Selection.* Site selection and placement of pond are critical to the success of the pond. The water source for the pond may be surface runoff from the pond watershed (the area that drains into the pond) or it may come from subsurface seepage in areas with high water tables. Factors such as soil characteristics and the existence of local springs must be considered in site selection. If the primary use of the pond is fire protection it should be located near the structures to be protected.
- C. *Water Source.* Shall mean the source of the water filling the DWF or pond, included but limited to ground water table, wells and springs.

- D. Ponds less than 660 feet long should have a minimum of one foot of freeboard. This is included to keep water from washing over the sides of the pond due to wave action or flooding. This may also be a requirement for DWF on smaller residential lots
- E. Soils with high amounts of clay are good for the pond area. Sandy clays and loam soils will still impound water. Soils with high levels of sand or gravel may have excessive seepage unless water tables are naturally high. A pond sealer or lining may be necessary in these situations
- F. ~~If pond material is not useable a letter from a Florida registered Engineer is required to be submitted to the Town stating why the material is not suitable i.e. due to contamination, muck, etc or the amount exceeds what can be put on the site due to layout of property~~

4.0 Review process for Decorative Water Features or Ponds.

- A. *Decorative Water Feature (DWF)*. The following process for review shall apply to all permit applications presented to the Town of Malabar for consideration.
 - 1. The application will be forwarded to the Building Official for compliance. The Building Official may visit the project site to verify information but it is not mandatory.
 - 2. If all information is consistent with Town Code, the Building Official will approve the application and a permit will be issued. The permit fee will be consistent with the fee resolution adopted by Council.
 - 3. If the Building Official denies the permit for non-compliance, the applicant may appeal the decision as stated in Section 4.
 - 4. If the Building Official approves the permit with conditions, the applicant may appeal the decision as stated in Section 4.
- B. *Ponds*. The following process for review shall apply to all pond permit applications presented to the Town of Malabar for consideration.
 - 1. The application will be forwarded to the Building Official for compliance. The Building Official may visit the project site to verify information but it is not mandatory.
 - 2. If all information is consistent with Town Code, the Building Official will forward a copy to the Town Engineer for review. If the Town Engineer determines that the pond, project site, drainage plan are all in compliance, the Town Engineer will sign off on the permit application and a permit will be issued. The permit fee will be consistent with the fee resolution adopted by Council.
 - 3. If the Town Engineer or Building Official denies the permit for non-compliance, the applicant may appeal the decision as stated in Section 4.
 - 4. If the Town Engineer or Building Official approves the permit with conditions, the applicant may appeal the decision as stated in Section 4.

5.0 Appeal process for Decorative Water Features and Ponds.

If an applicant's permit is denied, or approved with conditions, the applicant shall have the right to appeal such a denial or conditions to the Town Council under the following procedure:

- A. An appeal of a decision not to issue a decorative water feature or pond permit, or to issue a decorative water feature or pond permit upon conditions, may be appealed to Town Council, by the applicant, within ten business days of the applicant receiving notice of the denial of his permit or approval with conditions.
- B. To appeal a decision to Town Council, the applicant must submit, in writing, a notice to the Town Council of the intention to appeal the decision of the Town Engineer or Building Official and request the matter to be placed on the Council's agenda. The Notice of Appeal shall contain the basis upon which the appeal is being made.
- C. Upon receipt of a timely notice of appeal, the Town Clerk shall set the matter on the Town Council's agenda, said appeal to be heard by Council, within thirty (30) days of the date of notice of appeal. The Town Clerk shall submit all documentation relating to the application and permit to Council for review.
- D. The Town Council shall review the issue and determine whether the decision of the Town Engineer or Building Official shall be upheld, modified or reversed. All decisions of the Town Council are final.
- E. Appeals of decisions of the Town Council may be taken to a court of competent jurisdiction.

6.0 Performance Standards for the construction of a Decorative Water Features and Ponds.

- A. Setbacks shall be as stated in Table 1-3.3.A for the applicable zoning
- B. Depth shall in no case exceed 12 feet for either a DWF or pond.
- C. Construction of a DWF or pond or related site grading shall not adversely affect offsite drainage patterns.
- D. Disposal of excavated material. All excavated topsoil shall be disposed of on site. All other excavated material, unless otherwise provided for herein, shall be disposed of on site. Off site disposal of excavated material, except topsoil, shall be permitted under the following conditions:
 - 1. For any DWF or pond for which a permit is required the excavated material may be disposed of offsite if a certification is presented to the Town by a Florida licensed professional engineer stating that the excavated material, except topsoil, can not be utilized on site. In submitting the certification, the Engineer shall take the following into consideration:
 - a. The size of the site
 - b. Available on site retention
 - c. The impact of onsite disposal will have on adjoining properties

- d. No excavated material may be sold or offered to sale or trade or bargained for anything of value.
- 2. Excavated material which is unsuitable for use on the site because of high organic content (muck) may be disposed of off-site if approved by Town Engineer.
- E. Discharge structures shall be designed to limit the maximum discharge rate to the pre-development discharge rate. The discharge velocity shall be controlled so as to not erode or cause scouring of existing or proposed facilities. Structures shall only discharge to a point of legal positive out-fall.

7.0 Completion of Decorative Water Features and Ponds.

- A. Decorative water feature or pond permits issued pursuant to this section shall be effective for a period of six (6) months from the date of issue.
- B. An extension may only be granted once upon good cause after review and approval by the Town Building Official.
- C. Refusal by the Town Building Official to issue a decorative water feature or pond permit extension may be appealed to Town Council in the same manner set forth in Section 4 above.
- D. The routine maintenance and upkeep of DWF & Ponds will not require a permit

8.0 Standards for fill activities.

- A. No permit for filling in an existing decorative water feature shall be reviewed unless a written statement that the filling will not adversely affect the natural environment of the applicant's property or adjacent properties.
- B. No permit for filling in an existing pond shall be reviewed unless a written evidence from the outside jurisdictional agency is attached to the application indicating that the filling will not adversely affect the natural environment of the applicant's property or adjacent properties.

9.0 Failure to Complete Construction of Decorative Water Features or Ponds

- A. A fine of up to \$250.00 per day may be assessed against any applicant who fails to complete a DWF or pond within the six-month period.
- B. Further, the Town, at its discretion, may require the applicant to restore the land to the pre-permit condition if it is not completed within the allotted time.
- C. It shall be the obligation of the applicant to notify the Town of completion. The DWF or pond shall be complete only after the final inspection by the Town.



TOWN OF MALABAR

2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 Ext. 14 Fax # (321) 727-9997

PERMIT APPLICATION & CHECKLIST FOR POND

This application is intended for those applicants desiring to construct a pond for the purpose of retaining water wherein the surface area is greater than 1,000 square feet. This application is also intended for those applicants desiring to FILL an existing pond. Any fill activity which reduces the surface area of an existing water body, regardless of size, may only be accomplished after a permit authorizing such activity has been issued.

Project: Construct a Pond: _____ or Fill a Pond: _____ Date: _____
Street Address: _____ Zoning Designation: _____

Legal Description (Parcel ID) of Property Covered by Application:

Township: _____ Range: _____ Section: _____ Lot/Block: _____, Parcel: _____

Subdivision: _____ Tax Acct No.: _____

Name of Property Owner(s): _____ Telephone: _____

E- Mail Address: _____

Mailing Address: _____ Fax: _____

City, State, Zip: _____ Cell: _____

Gross acreage: _____ Setbacks: Front: _____; Rear: _____; Side: _____; Side corner: _____

Flood Zone: _____ Per FEMA Flood Insurance Rate Map

Wetlands Present: Y/N; If yes, is Mitigation required? Y/N; Is FDEP Permit required? Y/N

The applicant is required to submit an original and two (2) sign/sealed engineered Site Plans with the following information shown:

- ___ Boundary of property
- ___ Proposed project site location, dimensions and depth of Pond to be constructed OR filled showing setbacks from property lines
- ___ Dimensions to show the side slope elevations and wet season water table
- ___ Existing structures shown on Site Plan (including setbacks from all property lines)
- ___ Identification of trees in impacted Pond area with a dbh (dimension at breast height) of 8" or greater
- ___ Location of well(s) and drain field(s)
- ___ Evidence from jurisdictional Agency that Pond area is not in a wetland
- ___ Site Plan to show use of excavated material (not top soil) on site indicated by hatched marks on the drawing.
- ___ If filling a Pond, provide written evidence of type of material to be used and method of compaction.
- ___ Stormwater drainage / retainage and overflow plan
- ___ Source of water for Pond _____
- ___ Application Fee of \$ _____ for Engineering Review by Town

Signature of Applicant: _____ Date: _____



TOWN OF MALABAR

2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 Ext. 14 Fax # (321) 727-9997

PERMIT APPLICATION & CHECKLIST FOR DECORATIVE WATER FEATURE

This permit application is intended for those applicants desiring to construct a decorative water feature (DWF), for the purpose of retaining water wherein the surface area is 1,000 square feet or smaller in size. This permit application is also intended for those applicants desiring to fill an existing DWF.

Project: Construct a DWF: _____ or Fill a DWF: _____ Date: _____
Street Address: _____ Zoning Designation: _____

Legal Description (Parcel ID) of Property Covered by Application:

Township: _____ Range: _____ Section: _____ Lot/Block: _____, Parcel: _____

Subdivision: _____ Tax Acct No.: _____

Name of Property Owner(s): _____ Telephone: _____

E- Mail Address: _____

Mailing Address: _____ Fax: _____

City, State, Zip: _____ Cell: _____

Gross acreage: _____ Setbacks: Front: _____; Rear: _____; Side: _____; Side corner: _____

Flood Zone: _____ Per FEMA Flood Insurance Rate Map

Wetlands: Present Y / N; If yes, is Mitigation required? Y / N; is FDEP Permit required? Y / N

The applicant is required to submit an original and two (2) Detailed Drawings with the following information shown:

- ___ Boundary of property shown by a heavy line, ie. Sketch, property survey, aerial survey, plat map.
- ___ Drawing to show location, size, dimension and depth of DWF to be constructed OR filled
- ___ Existing structures shown on drawing (including setbacks from all property lines)
- ___ Identification of trees in DWF impacted area with a dbh (dimension at breast height) of 8" or greater
- ___ Location of well(s) and drain field(s) showing distance to DWF
- ___ Evidence that DWF area is not in a wetland
- ___ Proposed for use of excavated material (not top soil) on site indicated by hatched marks on drawing OR written statement on method of disposal OR type of material to be used to filling the DWF
- ___ Stormwater drainage / retainage and overflow direction plan shown by arrows on drawing.
- ___ Source of water for DWF or pond _____.

Signature of Applicant: _____ Date: _____

Signature of Town's Personnel Reviewing Application

Approved / Denied



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

Brevard County Health Department Environmental Public Health Services Onsite Sewage Program Information

The Florida Department of Health is the regulating authority for onsite sewage treatment and disposal systems (OSTDS) receiving less than 10,000 gallons per day of domestic sewage or less than 5,000 gallons per day of commercial sewage. The regulations can be found in Florida Statute 381.0065 and Florida Administrative Code 64E-6. Brevard County Code Chapter 46 also states OSTDS regulations that must be followed in addition to the state regulations.

In order to protect public health, OSTDS must be properly sized, installed, and maintained. The requirements ensure the OSTDS do not affect groundwater, surface waters, and drinking water/irrigation wells. Examples of current requirements are:

- Setback 75' to surface water.
- Setback 75' to potable well.
- Setback 5' to foundations.
- Minimum 24" separation of bottom of drainfield to seasonal high water table.
- Minimum 900 gallon tank for a 3 bedroom house with maximum 2250 sqft of building area.
- Maximum 2500 gallons per day per acre of sewage on lots served by public water.

** The requirements listed above change when OSTDS are designed by Engineers to meet higher performance standards or when a failing system is being repaired.

An OSTDS failure is defined as a condition existing within an onsite sewage treatment and disposal system which prohibits the system from functioning in a sanitary manner and which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface water, into groundwater, or which results in the failure of building plumbing to discharge properly. The department is notified of failures when the applicant applies for a repair or when complaints of failing systems are reported. Indicators of failures are plumbing back-ups, sewage on the ground in the system area, ponding of drainfields, broken tanks, etc. Currently there are no programs offering assistance to property owners with failing systems in need of repair.

Brevard County has approximately 90,000 septic systems installed. Of those, 2331 are Aerobic Treatment Unit systems and 43 are performance based systems designed by an Engineer.

For more information and links to the Florida Statutes and Administrative Code, please visit www.brevardeh.com

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: August 8, 2012

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

SUBJECT: Light Industrial Zoning

BACKGROUND/HISTORY:

At the meeting on March 28, 2012, the Board directed that we include the source document from Chair Bob Wilbur's recommended changes to show the missing line of data. Chair Wilbur's corrected document is attached with the source document.

ATTACHMENTS:

Submittal from Krieger
Corrected submittal from Wilbur

ACTION OPTIONS:

Discussion

Limited Commercial Light Industrial

CL-LI "Limited Commercial- Light Industrial" The CL-LI district is established to implement comprehensive plan policies for managing such development accessible to major transport facilities as well as accommodate the needs of adjacent or local residential neighborhoods. Such development is intended to provide local services as well as to provide more intensive commercial uses as well as limited light manufacturing, warehousing, distribution and other light industrial functions applicable to the region.

Areas designated for *CL-LI* development are intended to accommodate businesses such as neighborhood shops, light industrial services, limited metal or material fabrication facilities including welding services, electric services, light assembly, limited mechanical repair including but not limited to auto repair, plumbing services, health, environmental, and septic services, as well as the supply of other goods and services compatible to a specialized market with customized market demands. Uses, which are not compatible include but are not limited to large scale discount stores, supermarkets, department stores, large scale wholesale, commercial amusements, and fast food establishments. No residential uses shall be located in this district.

strict and intent "Light Industrial District" (Suggestions from Indian Harbour Beach Code) with
exceptions from Bob Wilbur.

uses in this district are intended to be located in close proximity to transportation facilities and serving the manufacturing, warehousing, distribution, wholesaling and other industrial functions of the town. Restrictions herein are intended to minimize adverse influences of the industrial activities on nearby industrial areas.

(1) *Principal uses and structures:*

(A) Warehousing and wholesaling carried on solely within an enclosed structure, including refrigerated storage.

(B) Service and repair establishments, dry cleaning and laundry plants, business services, printing plants and welding shops, bakeries, fruit packing, and similar uses.

(C) Light manufacturing processing and assembly, such as precision manufacturing of electrical machinery and instrumentation.

(D) Building materials supply and storage, contractor's storage yard, except scrap materials. Outside storage areas shall be walled or screened on all sides to avoid any deleterious effects on adjacent properties.

(E) Marine sales, storage and repair establishments, and automotive repair, paint and body shops, transportation terminals, and freight handling.

(F) Vocational and trade schools, veterinary hospital and clinics.

(2) *Accessory uses:*

(A) Retail sales of products manufactured, processed or stored on the premises.

(B) Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use in keeping with the industrial character of the district.

(3) *Conditional land uses permissible by Town Council: None*

(4) *Special exceptions permissible by the zoning board of appeals: None*

(5) *Prohibited uses and structures: All uses not specifically or provisionally permitted herein, and not in keeping with the industrial character of the district.*

(6) *Minimum lot dimensions and floor area and maximum height:*

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Floor Area	Maximum Height
9,000 sq. ft.	90 ft.	100 ft.	600 sq. ft.	35 ft.

(7) *Minimum yard requirements:*

Front 25 feet
Rear 20 feet; 15 feet when abutting an alley

Side, interior None, except where use borders a zoning district requiring setbacks, in which case said required setbacks, shall also apply in this district

Side, corner 20 feet

Sec. 8. District and intent: M-1, Light Industrial District.

The uses in this district are intended to be located in close proximity to transportation facilities and serving as the manufacturing, warehousing, distribution, wholesaling and other industrial functions of the city. Restrictions herein are intended to minimize adverse influences of the industrial activities on nearby nonindustrial areas.

(1) *Principal uses and structures:*

- (A) Warehousing and wholesaling carried on solely within an enclosed structure.
- (B) Service and repair establishments, dry cleaning and laundry plants, business services, printing plants and welding shops.
- (C) Light manufacturing processing and assembly, such as precision manufacturing of electrical machinery and instrumentation.
- (D) Building materials supply and storage; contractor's storage yard, except scrap materials. Outside storage areas shall be walled or screened on all sides to avoid any deleterious effects on adjacent properties.
- (E) Marine sales, storage and repair establishments, and automotive repair, paint and body shops.
- (F) Vocational and trade schools.

(2) *Accessory uses:*

- (A) Retail sales of products manufactured, processed or stored on the premises.
- (B) Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use in keeping with the industrial character of the district.

- (4) *Special exceptions permissible by the zoning board of appeals:* None.
- (5) *Prohibited uses and structures:* All uses not specifically or provisionally permitted herein, and not in keeping with the industrial character of the district.
- (6) *Minimum lot dimensions and floor area and maximum height:*

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Floor Area	Maximum Height
9,000 sq. ft.	90 ft.	100 ft.	600 sq. ft.	35 ft.

(7) *Minimum yard requirements:*

Front	25 feet.
Rear	20 feet; 15 feet when abutting an alley.
Side, interior	None, except where use borders a zoning district requiring setbacks, in which case said required setbacks shall also apply in this district.
Side, corner	20 feet.

Sec. 9A. District and intent: P-1 Institutional.

The provisions of this district are intended to apply to an area which can serve the needs of the community for public utility facilities, correctional facilities and in-patient mental health facilities, which facilities by their nature require substantial security and aesthetic buffers in order to protect the health and welfare of the city. Since the site and building requirements for such uses vary with the size and type of use, a review and approval of a site plan shall be a prerequisite for approval of any change of zoning to the P-1 Institutional classification.

CITY OF

ORDINANCE/176

DATE: 11/27/10

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: August 8, 2012

Prepared By: Denine M. Sherear Planning & Zoning Secretary

SUBJECT: Material for P&Z Research into Requirements for Assisted Living

BACKGROUND/HISTORY:

At the July 10, 2011 P&Z meeting the Board asked that staff provide the Florida Statutes that deal with groups homes and assisted living. Those documents were provided in the packet for July 27, 2011. They included the 2010 Chapters:

F.S. 400, Parts I, VI

F.S. 408.032(8)

F.S. 419

F.S. 429, Parts I, II, and III

These sections have now been updated with the 2011 Florida Statutes. We left out the sections on nursing homes, but have it available if you want to review it.

I previously printed sections from the 2007 Florida Building Code. They have also been updated with 2010 Code.

ATTACHMENTS:

- Brevard County Code (1 page)
- Cocoa Beach Code (8 pages)
- Florida Building Code, 2011 Edition
 - Section 308, Institutional Group I
 - Section 310, Residential Group R
 - Section 313, Daycare, Group D
 - Section 433, Adult Day Care
 - Section 434, Assisted Living Facilities
 - Section 436, Day Care Occupancies
- Florida Statutes, 2011 Edition
 - Chapter 400, Parts I and V
 - Chapter 419
 - Chapter 429, Part I only

ACTION OPTIONS:

Board Discussion.

***NOTE: Please bring 3-Ring Binder from April 11, 2012 P&Z Meeting Agenda Item #6**

REMINDER:
PLEASE BRING
PACKET
(3-RING BINDER)
FROM P&Z MEETING
APRIL 11, 2012 FOR
THIS AGENDA ITEM

THANK YOU