

TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY AUGUST 22, 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 – 8/08/2012
Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve
- E. PUBLIC:**
- F. ACTION:**
 - 2. Finalize Review and Make Recommendation to Council re: Decorative Water Features and Ponds**
Exhibit: Agenda Report No. 2
Recommendation: Discussion/Action
 - 3. Finalization of "Light Industrial" Zoning and Recommendation to Council**
Exhibit: Agenda Report No. 3
Recommendation: Discussion/Action
- G. 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 22, 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 August 08, 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
AUGUST 8, 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 7:30 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

C. ADDITIONS/DELETIONS/CHANGES: Abare asked about the legal challenge to the ALF.

D. CONSENT AGENDA:

1. Approval of Minutes Planning and Zoning Meeting – 7/25/2012

MOTION: Reilly / Ritter to approve minutes of 7/25/12 as corrected.

Corrections: Ritter suggested adding more to minutes when recording corrections to prior minutes so they can recognize the changes made. Ryan changes pg 3 of 28: should be "way". Just for clarification. Abare says "should be. Krieger asked if the minutes on the web are the corrected ones. Yes.

Pg 4/23 4th line middle of line, should be "input". Last word Municode should be capitalized. 4th para down, project. Should be "ie"?

Pg 5/23 1st sentence should be "it" states instead of "is"

Pg 7/23 2nd line we have still have "to" define RLC

VOTE: All Ayes.

PUBLIC:

Eddie White and Frank ?, owner operators of River Gas LLC, hope to locate in Malabar for their business. They handed out a brochure. Wanted to introduce their project to P&Z. They have spoken to Building Official. Franklin said if this requires a site plan it would come back to P&Z to review and make recommendation to Council. Land Use issues are quasi-judicial.

They showed a diagram of the location and a artistic rendering of proposed project. They are proposing the tank in the back of the property. Trucks would come in, fuel up once a month - a 12,000 gallon tanker truck once a month and then they would distribute it out in small trucks holding 3,000 gallons. Would bring in additional financial stability to Town. P&Z Member Saylor commented that this is not a paved road. Are they going to propose paving the roads? They will maintain the road. In future they would look at paving it. They could covert town vehicles to gas and can do it themselves. That would save the town money. Propane vehicles don't burn carbon. Saylor said they provide this service as part of their business? Yes, they have been in service since November, 2011. They currently have deals with Fla City Gas and Amerigas. Ed White holds the State license to do anything. They are an independent. They would be competing with Amerigas. Amerigas spent 1billion. Suburban is doing the same thing.

The proposed site is on Garden Street and was previously used by a well driller. They would clean it up. They are getting so much work. It is all above ground. Yes.

The tank would sit on a saddle. New laws and so much safety built in to prevent accident. They are getting strict with propane. We have always been doing that. They have to test the underground tanks.

Propane gas goes to the ground. Comes out like a torch but goes to the ground. There has not been a recorded incident in the last 20 years.

Horizon Gas he used to be the distributor. Saylor asked if it is their long term goal to get it under ground. Eddie White said it is now on a case by case basis. Even governments are switching over their generators from diesel to gas. They have talked to Fla Gas as a sub contractor. Natural Gas would be even cheaper. If we switched over we would no longer need foreign oil.

E. PUBLIC HEARING: none

F. ACTION: none

G. DISCUSSION:

2. Continued - Checklist and Permit Requirements for Decorative Water Features and Ponds

Exhibit: Agenda Report No. 2

Recommendation: Discussion

Got up to Section 3 at last meeting. Board thanked Denine for her good efforts. Denine is making changes in real time as the meeting progressed.

Ritter appreciates her putting the changes in red. Krieger goes back to 2nd page

2.0, A 2nd line, wants to replace "obtain" with "apply for" – at the end it references if a permit is required. Under B ponds do same thing. And eliminate the rest of the sentence. He thinks that is more appropriate. The next line is a cross-out.

10/23, B, 2nd para, is required to submit 2 site plans of the affected area. They haven't defined the definition of site plan and project site. Reilly thinks it needs to stay as is. Don't change this.

11/23 #3 Krieger said dimensions to show the side slope elevations. Reilly said 2 is top view and 3 is side view.

#4 – leave as is.

#5 – need definition of project site. Change area to site. It is defined on top of 10/23.

#7 – change "pond area" – should be "pond project site" is not in a wetland. Abare would hate to motivate Roger to call and ask.

#8 on – leave it

#8 – leave it as engineer. Saylor recommends we don't make a change.

Last thing on page – water source should be in definitions. Included but "not" limited to and move it to Sec definition, L – also add into A and B. no, it is already in design considerations. ok – but will become C –

Regarding reference to 660' length, **check and verify what source document from UF states**. Wilbur thinks this is circumference. Ponds should have adequate freeboard to keep water from washing over side of pond due to wave action. Abare asked if this is a berm? Krieger reads the definition. Put in parenthesis (berm). They discuss this at length. On page 9/23 added height (berm). Abare asked what they are designing for regarding flooding – a 100 year? If yes it will be a high berm.

Ryan asked what a berm would be built of – dirt and sod. Each pond needs to be reviewed on its own merit. What word, minimum, reasonable or maximum in freeboard requirement. Wilbur says he thinks it has to do with design not with act of god.

Krieger said ponds should have min of 1 ft of freeboard or minimum amount determined by Florida registered engineer to keep water from washing over side of pond due to wave action. Board agreed. Abare said wouldn't you want to specify the engineer.

Current Sec E – Ritter wants to change the word loam; it was already changed from loamy.

Ritter wants to re-arrange the sentence. Franklin said it is from UF and intended to educate and provide guidance. A pond area with high amounts of clay is desirable for retaining water. Ritter wants to add "but not as effectively" after loamy – Reilly said no. Wilbur said leave it like it is. Reilly says change the first sentence. Board agrees to change.

F/E duplicate – remove as it is already said elsewhere in the ordinance.

12/23

4.A.(now 5) Krieger major problem is compliance. A.1. for review, 2, if all info is consistent, if all is "compliant with town code" instead. Permit fees will be consistent with resolution adopted by Council. Abare agrees with part of that. Review is a better word, compliant is a better word. Saylor also likes "review". The Building Official may visit the project site to verify information. And delete the rest.

Next is change compliant instead of consistent.

Ryan said merge 3 and 4. Ritter said switch them around but keep it separate.

4B (now 5) do the same way

Also say engineer will approve instead of "sign off"

Krieger 4.B.2.(now 5) if all info is complaint is with town code – leave it.

3. if a permit is denied

Board said leave it.

13/23 –

5.0 (now 6) Change this to match what they changes above. Shall have the right to appeal such conditions or denial.

Krieger did not change anything but change it to 45 days. Do not reference meetings. This is under C.

a. An appeal made to town council by the applicant must be made within 10 business days to Bob said this part should be made by attorney and Board would to be changing this.

Bob said leave it alone. He stated that they are beating this up; should have been done with this by now.

6. C.any related

D. all excavated topsoil shall remain on site

E. Disposal of excavated material and eliminate all ref to topsoil.

D.1. eliminate topsoil

change "the" to "an"

Abare said when you rewrite it you take the chance of dropping something.

He agrees with Wilbur and if it is not broke, let it alone. They are wordsmithing it to death.

Wilbur said leave it alone. He would like to finish this. It is not wrong like it is written. Ritter said if it is not intended to be allowed.

Reilly said take "disposal of" out of that and leave everything alone. Topsoil shall remain on site.

Wilbur said change to "Uses of excavated material"

C. The impact of onsite uses instead of disposal.

D. shall be used on site. Disposal to

14/23 6.D.

If you don't want it why can't they sell it? Someone may want to buy the muck and the engineer has determined it as unusable material. Give them an out – some conditions to allow it. Ryan gave example of his pool construction. Pool contractors routinely remove fill from property. Unless you specify to keep it on the property. Wilbur said leave it.

Stopped at Section 7.0

These items not covered:

3. Define "Light Industrial" Zoning

Exhibit: Agenda Report No. 4
Recommendation: Discussion

4. Code Requirements for Assisted Living Facilities

Exhibit: Agenda Report No. 5
Recommendation: Discussion

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

I. PUBLIC:

J. OLD BUSINESS/NEW BUSINESS:

Bud Ryan noticed a semi parking turning onto W. Railroad Ave and going into the storage facility. Is that allowed in the approved site plan? Franklin said they do not do proactive code enforcement. If there is a complaint, Town Administrator will investigate.

Board Secretary reminded the Board that the September 12, 2012 meeting was cancelled due to Public Hearing on millage and budget for next year.

L. ADJOURN

There being no further business to discuss, **MOTION: Ryan / Reilly to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:45 P.M.

BY:

Bob Wilbur, Chair

Debby Franklin, Recording Secretary

Denine Sherear, P&Z Board Secretary

_____ Date Approved

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: August 22, 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 of (08/08/2012).

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 6.0 Performance Standards for the construction of "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:

Final Review and Recommendation to Council

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 (berm) 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.

L. **Water Source.** Shall mean the source of the water filling the DWF or pond, included but not limited to ground water table, wells and springs

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, apply for 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, apply for 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 site 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 project site does not affect wetlands. 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 at 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. Ponds should have **a minimum of one foot of freeboard** or **minimum amount determined by Florida registered engineer** to keep water from washing over the sides of the pond due to wave action or flooding.
- D. **A Pond area** with high amounts of clay **is desirable** for retaining water. 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.

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 **review**. The Building Official may visit the project site to verify information.
2. If all information is **compliant** 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 approves the permit with conditions, the applicant may appeal the decision as stated in Section 5.
4. If the Building Official denies the permit for non-compliance, the applicant may appeal the decision as stated in Section 5.

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 **review** compliance. The Building Official may visit the project site to verify information but it is not mandatory.
2. If all information is **compliant** 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 **approve** 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 **Building Official or Town Engineer** approves the permit with conditions, the applicant may appeal the decision as stated in Section 5
4. If the **Building Official or Town Engineer** denies the permit for non-compliance, the applicant may appeal the decision as stated in Section 5.

5.0 Appeal process for Decorative Water Features and Ponds.

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

- A. An appeal made to Town Council by the applicant **may be appealed** to Town Council, by the applicant, within ten business days of the applicant receiving notice of the approval with conditions or denial of **the** permit.
- 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 **forty five 45** 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. **Uses of** Excavated material. All excavated topsoil shall ~~be disposed~~ **remain on site**. All other excavated material, unless otherwise provided for herein, shall **be used** 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 **uses may** 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 22, 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:

Finalization and Recommend to Council

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.

Submitted by: Bob Wilbur 8/10/2011 P & Z Meeting

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

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 **town**. 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, **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

Side, corner 20 feet.

(Ord. No. 83-1, §§ 1, 2, 8-23-83; Ord. No. 86-6, § 2, 4-8-86; Ord. No. 89-4, § 1, 6-27-89; Ord. No. 94-6, § 1, 1-10-95; Ord. No. 96-7, § 1, 1-14-97; Ord. No. 99-5, § 1, 6-8-99)

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.

- (3) *Conditional land uses permissible by city 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. 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.

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TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: August 22, 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