

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY MARCH 12, 2014
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 – 02/26/2014
Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve
- E. PRESENTATION:**
- F. ACTION:**
 - 2. Requests by Applicant: Mr. John Waclawski to revise Proposed FLUM Map, vacant property is located on Babcock Street & Osage Street at Parcel ID# 29-37-10-00-00568**
Exhibit: Agenda Report No. 2
Recommendation: Discussion/Action to Council
- G. DISCUSSION:**
 - 3. Future Land Use Maps and Defining R/LC**
Exhibit: Agenda Report No. 3
Recommendation: Discussion
- H. ADDITIONAL ITEMS FOR FUTURE MEETING**
- 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

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: March 12, 2014

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 February 26, 2014 (not in packet)

ACTION OPTIONS:

Secretary requests approval of the minutes.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: March 12, 2014

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

SUBJECT: Mr. Waclawski Request for P&Z to Revise the Proposed FLUM Maps for vacant property located at: Babcock Street & Osage Street aka: Parcel ID#29-37-10-00-00568

BACKGROUND/HISTORY:

The applicant/property owner Mr. Waclawski would like the P&Z Board to revise the recommendation to Council regarding Parcel Id# 29-37-10-00-00568, which is located on the north/east corner of Babcock Street and Osage Street.

In February 1988 an Ordinance (Ord. No. 88-16) was adopted for a rezoning request made by Mr. Waclawski which changed the zoning from "RR" to "B1"Commercial. He paid \$303.00 to rezone this in 1988.

In 1991 the Town changed the zoning designations throughout the Town. Since it was town wide the state statutes required a ¼ page legal ad and not individual notification of property owners.

Mr. Waclawski addressed Council in 1991 regarding his recent rezoning and asked to retain that zoning. Council denied his request which was May 7, 1991. The 1991-3 Ordinance changed everything and did away with "B1" & "B2" (commercial zoning). Staff has nothing in the records reflecting a second request.

Mr. Waclawski is now asking the P&Z Board to change Parcel 568 from the current/proposed "OI" back to "CG".

ATTACHMENTS:

- Property Appraisers Detail information & Map location
- Proposed Maps P&Z has been working on Page 4
- Portion of Ordinance 5-19-82 (3 pages)
- Ordinance 8-21-84
- Ordinance 88-16
- Council Minutes May 7, 1991
- Ordinance 91-3

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
 Details**

General Parcel Information

Parcel ID:	29-37-10-00-00568.0-0000.00	Millage Code:	34Z0	Exemption:		Use Code:	1000
Site Address:						Tax ID:	2931433

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	SHARK, ANN
Second Name:	SHARK, MICHAEL
	WACLAWSKI, JOHN L TRUSTEE
Mailing Address:	2107 S DUNBAR AVE
City, State, Zipcode:	MELBOURNE, FL 32901

Abbreviated Description

Sub Name:	W 250 FT OF S 1/4 OF LOT 8 OF PB 1 PG 165 EX S 35 FT AND W 50 FT AKA TRACT 235
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Value Summary

Roll Year:	2011	2012	2013
Market Value Total: ¹	\$65,520	\$65,520	\$65,520
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$65,520	\$65,520	\$65,520
Assessed Value School:	\$65,520	\$65,520	\$65,520
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$65,520	\$65,520	\$65,520
Taxable Value School: ³	\$65,520	\$65,520	\$65,520

Land Information

Acres:	1.35
Site Code:	320
Land Value:	\$65,520

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Sale Screening Code	Sale Screening Source	Physical Change Code	Vacant/Improved
5332/5212	6/23/2004	\$100	QC				V
5180/2181	12/11/2003	\$100	WD				V
3549/0368	2/1/1996	\$100	QC				V
2702/2548	5/3/1986	\$100	QC				V
2617/1062	7/9/1985	\$100	QC				V
2519/0068	5/29/1984	\$30,000	WD				V

Sale screening and sale screening source codes are for assessment purposes only and have no bearing on potential marketability of the property.

Proposed Taxes 2013

Taxing Authorities	Ad Valorem Taxes Billed
County:	\$372.28

Rollback Taxes 2013

Taxing Authorities	Ad Valorem Taxes Billed
County:	\$363.75

Dana Blickley, CFA

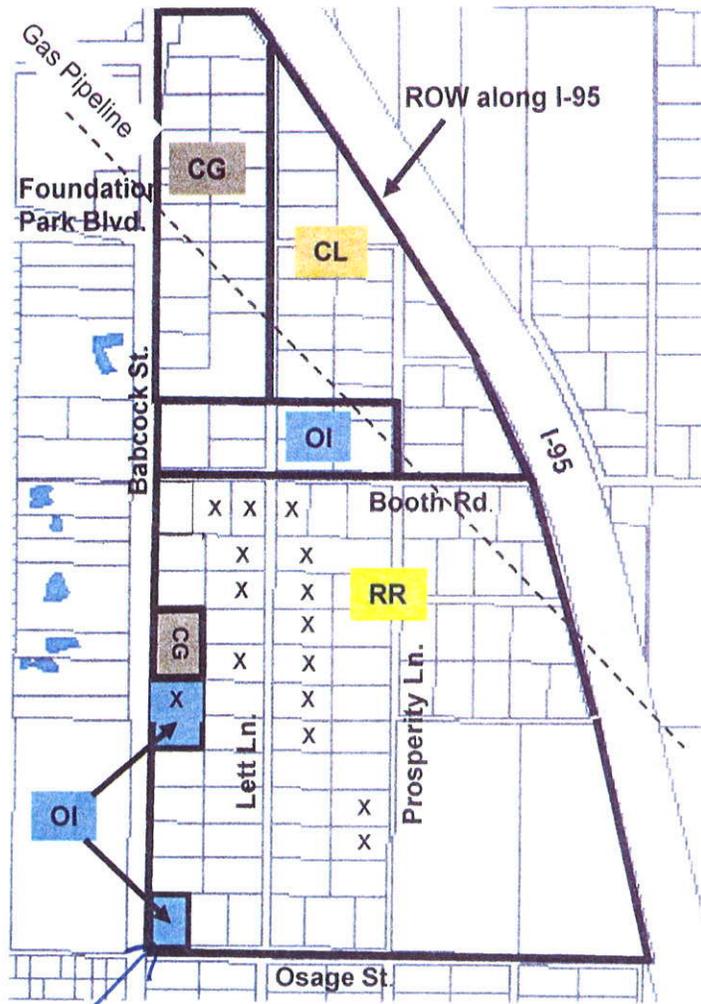
Brevard County Property Appraiser - MAP SEARCH



Zoom To	×	Account	Owner	Property Address	Parcel Identifier
1	Aerial	2931433	SHARK, ANN		29-37-10-00-00568.0-0000.0

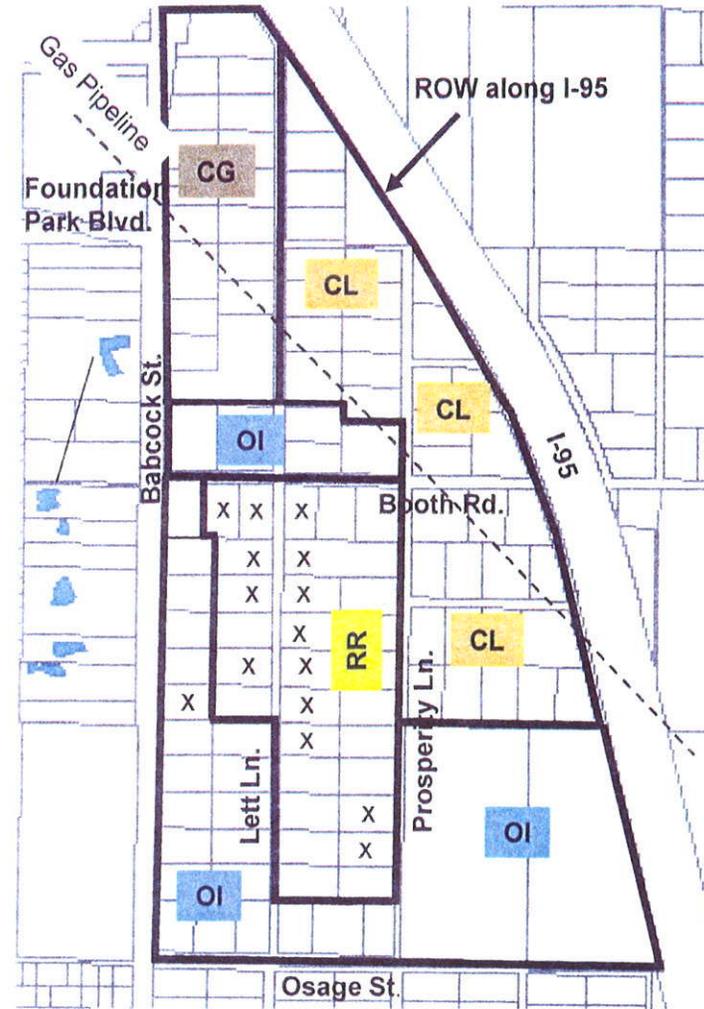
Land Use Along Babcock Street

Present Land Use



X = Homes

Proposed Land Use



June 30, 2013

SECTION 3. The B-2, Highway Commercial District, section 5.10 is hereby amended as follows:

"District and Intent - B-2 Commercial District:

The provisions of this district are intended to apply to an area intended to be developed and preserved as a commercial center serving the commercial needs of the community and the region. The types of uses and other restrictions are intended to promote adequate protection from conflicts with adjacent residential and other non-commercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.

1. Principal Uses and Structures: The following uses and structures are permitted for any use or group of uses which are developed, either separately or as a unit with certain site improvements shared in common.
 - A. Hotels and Motels not exceeding 15 units per acre.
 - B. Eating and Drinking establishments, bakeries, confectioners, and like uses where goods made on the premises will be sold on the premises.
 - C. Grocery stores.
 - D. Commercial recreation structures such as theaters, golf driving ranges, bowling alleys, skating rinks, and similar uses except drive-in theaters.
 - E. Retail stores, sales and display rooms, appliance and furniture stores, wholesale goods display and sales (no manufacture of goods)
 - F. Personal service establishments such as beauty and barber shops, dry cleaning, laundromat or laundry services.
 - G. Public and private parking lots.
 - H. Car repair, automotive services or other repair/replacement shops such as for boats, appliances, upholstery, furniture, or other subject to the provisions of item J.
 - J. New and used motor vehicles, major recreational equipment and mobile home sales or rentals with accessory services; subject to the following restrictions:
 1. All outside areas where merchandise is displayed shall be paved.
 2. All servicing and repair facilities except gasoline pumps shall be located in an enclosed structure.

3. There shall be no storage of junked or wrecked motor vehicles or items other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles or other items shall not be visible from outside the property.
 4. Ingress and egress points shall not be placed so as to interfere with the movement of pedestrian traffic on public sidewalks.
 5. A 6 foot opaque concrete or wood fence or visual screen shall be required to buffer such uses from adjacent areas.
2. Accessory Uses and Structures: Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the commercial character of the district.
3. Conditional Uses Permissible by the Town Council:
- A. Commercial radio and television broadcasting studios and offices including tower, relay and transmission lines that would exceed 35 feet.
 - B. Service Stations, subject to the following provisions:
 1. Minimum floor area 600 sq. ft. exclusive of interior service area.
 2. Setbacks other than required elsewhere in the district:
 - (i) Gasoline pumps and other service islands equipment: 30 feet from property line;
 - (ii) building or other structure: 20 feet from each side.
 3. Tank storage: Underground storage required for all receptacles for combustible materials, except those for heating and cooling.
 4. A visual screen of plantings and fencing to buffer adjacent uses - a minimum of a 6 ft. opaque concrete or wood fence is required.
 - C. Mini-Warehouses - No manufacturing, assembly or sales, retail or wholesale on premises.
 - D. Planned Commercial Development of 5 acres or more.
4. Prohibited Uses and Structures: All uses not specifically or provisionally permitted herein.
5. Special Exceptions permissible by the Zoning Board of Appeals: None.
6. Minimum lot dimensions and Floor Area and Maximum Height:

MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MINIMUM FLOOR AREA	MAXIMUM HEIGHT
20,000 sq. ft.	100 ft.	100 ft.	1200 sq. ft.	35 ft.
			300 sq.ft. minimum	8/24

7. Minimum Yard Requirements:

Front	- 50 ft.
Rear	- 25 ft., 15 ft. when abutting an alley.
Side, Interior	- 20 ft., except where use borders a district requiring larger setbacks, such setbacks shall apply.
Side, Corner	- 30 ft.

8. Parking, landscaping and appropriate buffers shall be required pursuant to Sections 6.9 and 6.10.

Section 4. Sections 6.8, 6.9, 6.10, 6.11, 6.17, 6.19, and 6.20 of the Zoning Code are hereby deleted in their entirety to be replaced with a New Section 6.8 governing Conditional Uses as permissible by the Town Council. Section 6.8 shall read as follows:

CONDITIONAL USES

1. The Town Council may permit a conditional use as provided herein, by ordinance granting permission for such use after a public hearing before the Planning and Zoning Board, at which persons interested shall be accorded an opportunity to be heard. Any ordinance permitting conditional uses as provided herein shall be construed as permitting only the specifically named or described conditional use, and not any other conditional use. Any property or premises designated upon the Zoning Map by the letter symbols "CU" alone shall be restricted to the specific conditional use permitted and may be used for no other use whatsoever. Any property or premises designated by the letter symbols "CU" before and in conjunction with the letter symbol for a residential, commercial, or industrial district shall be restricted to use for that particular conditional use specified or the use permitted in the designed use district, i.e., the letters "CU-P-C" shall denote a conditional use permitted in a Professional Commercial use district. In granting any conditional use, the Town Council shall prescribe any conditions that it deems necessary to, or desirable for the public interest. A Conditional Use shall not be permitted by the Town Council unless and until:

A. A written application for such conditional use is submitted, in duplicate, giving the lot, block and addition, or other legal description of the lands desired for such conditional use; the names and addresses of all owners of said land, the conditional use desired and the reason for requesting the conditional use. The application shall be signed and acknowledged by each and every owner of said lands.

TOWN OF MALABAR
ORDINANCE NO. 8-21-84

AN ORDINANCE AMENDING ORDINANCE NO.S 7-1-76,
11-22-83 and 7-8-83 PROVIDING FOR REZONING
OF CERTAIN PROPERTY IN TOWNSHIP 29S, RANGE
37E, SECTION 10 FROM RURAL RESIDENTIAL TO
B-2 COMMERCIAL DIRECTING THE TOWN CLERK TO AMEND
THE OFFICIAL ZONING MAP OF THE TOWN OF MALABAR:
PROVIDING AN EFFECTIVE DATE.

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

Section 1. ORDINANCE 7-1-76, ORDINANCE NO. 7-8-83 AND
ORDINANCE NO. 11-22-83 and the official zoning map established
therein, are hereby amended as follows:

(a). Certain property in Section 10, Township 29S, Range 37E
specifically the west 250' of the south quarter of Lot 8, plat
of Florida Indian River Land Co., Plat Book 1, Page 165, Brevard
County, Florida less the south 35 feet and west 50 feet for
road, utility and drainage right-of-way covering approximately
1.35 acres be changed from the Rural Residential classification
to B-2 Commercial as described in Ordinance No. 5-19-82.

Section 2. The Town Clerk of the Town of Malabar is hereby
directed to amend the official zoning map established by
ordinance No. 7-1-76 to show the zoning changes set forth in
Section 1 herein above.

Section 3. All ordinances or parts of ordinances in
conflict herewith are hereby repealed to the extent of conflict.

Section 4. This ordinance shall take effect immediately
upon its adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR,
BREVARD COUNTY, FLORIDA, THIS 4 DAY OF September, 1984.

1st Reading: 8-21-84
2nd Reading: 9-4-84

William Ralston
MAYOR

Loraine Thomas
TOWN CLERK

Ernest D. White
CHAIRMAN, TOWN COUNCIL

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AMENDING ORDINANCE NO. 7-1-76 BY REZONING CERTAIN PROPERTY FROM RURAL RESIDENTIAL TO B-1 COMMERCIAL ON PROPERTY GENERALLY DESCRIBED AS PARCEL 319, SECTION 10, TOWNSHIP 29 SOUTH, RANGE 37 EAST BORDERING ON THE WEST LEFT LANE AND LEGALLY DESCRIBED HEREIN; DIRECTING THE TOWN CLERK TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF MALABAR; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The following described real property is hereby rezoned and the official zoning map promulgated in Ordinance No. 7-1-76 is hereby amended from Rural Residential to B-1 Commercial Zoning:

The West 1/2 of the South 20 feet of the North 400 feet of Lot 23, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, Section 10, Township 29 South, Range 37 East, as recorded in Plat Book 1, page 165, of the Public Records of Brevard County, Florida; less the West 25 feet for road, utility and drainage right-of-way. Containing 1.22 acres more or less, and being subject to easements and rights-of-ways of record.

Section 2. The Town Clerk of the Town of Malabar is hereby directed to amend the official zoning map appended to Ordinance No. 7-1-76 to reflect the zoning changes set forth in Section 1 above.

Section 3. The rezoning created by this ordinance is subject to all site plan requirements set forth in Ordinance 12-2-82. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected and it will be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

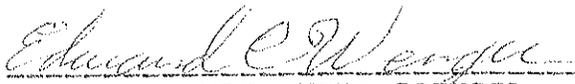
Section 5. This ordinance shall ecome effective immediately upon its adoption.

First reading 19 January 1988

Second reading 2 February 1988

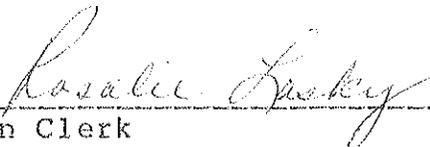


MAYOR



CHAIRMAN, TOWN COUNCIL

ATTEST:



Town Clerk

change as this is a family name. They built the road and they will not consent to the use of the name anywhere else in the Town.

Geil brought the issue back to Council.

MOTION: Durand/Alagood to have Mr. Boyer contact 911 and see if Hard Lane and Hard Way Lane would be acceptable.

VOTE: All Aye

Susan Harrison addressed Council requesting that instead of McDonald, the Council consider Lauren Lane.

MOTION: Durand/Alagood to name the road Lauren Lane

VOTE: All Aye

9 P.M. Break

Resumed 9:10 P.M.

ORDINANCE 91-3:

MOTION: Alagood/Durand to read 91-3 by title only.

VOTE: All Aye.

Mayor Callagy read:

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO ZONING; REESTABLISHING ZONING DESIGNATIONS THROUGHOUT THE ENTIRETY OF THE TOWN OF MALABAR IN ACCORDANCE WITH THE TOWN'S COMPREHENSIVE LAND USE PLAN AND LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT OF THE TOWN'S OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Alagood/White to adopt Ordinance 91-3.

PUBLIC HEARING: The Chairman opened discussion to the Public. The following addressed the Council:

- Mr. Dominic Vitaliano
- Mr. John Wacloski
- Mr. Norman Eliason

John Wacloski addressed Council, he has three parcels on Babcock that were zoned B1 and B2 in 1984, and never received notice from the Town about the hearings on the Comprehensive Land Use Map. Requested that at the minimum these properties be zoned CL (Commercial Limited).

Torpy responded that by state statutes any parcel over 5 acres required a 1/4 page ad in the paper, not individual notification. Alagood replied that by the Comp Plan this property is OI and it can't be changed tonight, and hearings were held for all parcels in 1988. Mr. Wacloski will have to apply for a Comp Plan change and rezoning.

Torpy explained that once the plan was adopted, the Town is obligated to put the policies into effect. Last stage is the adoption of the map. The Town does not have the latitude at

this point to change zoning. B1 and B2 no longer exist.

Mr. Solin was consulted on this matter and the zoning was designated for what the Town can service. Infrastructure would not support commercial development in that area.

Mr. Wacloski would like to ask for rezoning and comp plan change but wants the fee waived.

Torpy advised him to write up a formal letter and have it be an agenda item.

Vitaliano requested information on the Buckman property west of Corey, was it changed?

White replied it is now OI.

Discussion continued.

Durand referred to Mr. Krieger's letter which is attached to minutes.

Geil closed the public hearing portion and returned discussion to Council.

Alagood noted this plan must be reviewed every 5 years.

VOTE:	White	Aye	Johnson	Absent
	Durand	Aye	Geil	Aye
	Alagood	Aye		

Brook Hollow is the next item on the agenda:

Torpy has tried to reach Mr. Fieldman but they have been missing each other. Recommend waiting until he speaks to him.

The site plan and developers agreement are two different issues. If no extension is given they must comply with the new Land Use Code. Torpy wants to talk to Mr. Fieldman about the developer's agreement. It is up to the Council to grant the extension if they wish.

Original agreement requires Briar Creek Boulevard to be completed prior to phase II. Redmond wants to modify to read until the first CO is issued.

Palm Bay's portion of the agreement requires completion, must have Palm Bay's consent.

Alagood informed Council that Mr. John Herbst of the Homeowners Association had found the water agreements in the court house and they will copy them for us.

MOTION: Alagood/White to table to the next agenda the matter of an extension to Brook Hollow developers.

- One cent sales tax increase vote at the April 30th meeting special meeting was a negative motion. The vote was 2 and 2.

The Town needs to send a letter to the County as to Council's feelings on this matter.

MOTION: Alagood/Durand to accept the one cent sales tax to the County.

Durand explained to White, who was absent that money would go to jail, court house and law enforcement.

Alagood would prefer no tax, but feels the sale: everyone pay even those coming into Town.

Callagy feels the Town would get indirect benefit.

Jalla not the other, recommends going for the jail.

ORDINANCE NO: 91-3

An ordinance of the Town of Malabar, Brevard County, Florida, pertaining to zoning; reestablishing zoning designations throughout the entirety of the Town of Malabar in accordance with the Town's Comprehensive Land Use Plan and Land Development Code; providing for amendment of the Town's official zoning map; providing for repeal of ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date.

WHEREAS, the Town of Malabar has adopted a comprehensive plan for the purposes of establishing goals, objectives and policies for future land development of the Town of Malabar; and

WHEREAS, on April 17, 1990, the Town of Malabar adopted a Land Development Code for the purpose of enacting the goals, objectives, and policies as set forth in the Town's Comprehensive Land Use Plan; and

WHEREAS, the Town's Comprehensive Plan and Land Development Code require the adoption of a land use map, with zoning designations consistent with the Land Development Code; and

WHEREAS, on March 21, 1991 the Planning and Zoning Board of the Town of Malabar conducted a public hearing on the requested change in zoning designations to the City Council; and

WHEREAS, the City Council has provided notice of the proposed zoning designation change and conducted public hearing to receive citizen input; and

WHEREAS, the City Council has considered the criteria identified in Section 1-12.5(C) of the Land Development Code

together with recommended findings and recommendations of the staff and the Planning and Zoning Board; and

WHEREAS, the City Council has determined that the requested change in zoning designations is consistent with the Comprehensive Land Use Plan.

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

Section 1. PROPERTY AND DESIGNATION. The change in zoning classifications created by this Ordinance are adopted in accordance with the zoning designation and real property descriptions as set forth in Appendix "A," attached hereto, and for all purposes made part of this Ordinance. The official zoning map shall be amended to reflect this change in designations.

Section 2. CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Section 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon final passage.

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

Mayor Eugene Callagy	_____
Chairman John Geil	_____ Aye
Councilman E. Johnson	_____ Absent
Councilwoman M. White	_____ Aye
Councilwoman D. Allagood	_____ Aye
Councilman J. Durand	_____ Aye

The Mayor thereupon declared this Ordinance duly passed and
 adopted this 7th day of May, 1991.

TOWN OF MALABAR, FLORIDA

By: *E. Callagy*
 Eugene Callagy, Mayor

ATTEST:

By: *John Geil*
 John Geil, Chairman

Rosalie Lasky
 Rosalie Lasky, City Clerk

I HEREBY CERTIFY that notice of the public hearing on this
 Ordinance was published in the Florida Today Newspaper as required
 by State Statute, that one public hearing was held on this
 Ordinance at 7:30 p.m. on the 7th day of May, 1991,
 and that following said public hearing this Ordinance was passed
 by the Town Council.

Rosalie Lasky
 Rosalie Lasky, City Clerk

Approved as to Form and Content:

 Richard E. Torpy, Town Attorney

MALABAR ZONING DESIGNATIONS

CG - COMMERCIAL GENERAL

- o Portions of Lots 1 through 7 (inclusive) of the Riverview Homes subdivision (PB 13, Pg. 3), which are west of U.S. Highway #1, Section 31. See Article 2.
- o Parcel #250.3 of the Town of Malabar in Section 31, Township 28S, Range 38E (AKA River View Cafe, Old Daddy's site).
- o All lands between the FEC railroad and U.S. Highway 1, which are north of Malabar Road and south of the Riverview Homes subdivision (PB 13, Page 3), except cemetery, Section 31.
- o All lands between the FEC railroad and U.S. Highway #1, which are south of Malabar Road and north of the Century Oaks subdivision (PB 20, Pg 32), Section 31.
- o All lands between the FEC railroad and U.S. Highway #1; from the northern boundary of parcel #759 of the Town of Malabar proceeding south to the southern boundary of a subdivision known as Sunnybank on the Dixie (PB 4, Pg 68), Section 6.
- o A strip of land 500' wide which runs along the western edge of the FEC railroad right-of-way, beginning at a point 1,200' +/- south of the Town's northern limit and proceeding south to Jordan Boulevard.
- o All lands east of Pine Street, west of the FEC railroad, north of Garden Street, and south of Malabar Road, Section 31.
- o All lands south of Malabar Road, north of Glatter Road, and west of Marie Street, Section 36.
- o The north two and one-half acres, exclusive of road right of way, of Lot 8, Section 1, Township 29S, Range 37E, of the Indian River Fruit and Truck Lands (PB 2, Pg 95), Parcel 53.
- o All lands east of Babcock Street, west of Lett Lane, and south of Atz Road, with a southern limit of the northern boundary of parcels 266 and 278 of the Town of Malabar, Section 10. See Article 4.
- o A piece of land in the northeastern portion of the Town of Malabar; on the Town's northern boundary, east of the FEC railroad, north of the Riverview Homes subdivision (PB 13, Page 3), and west of U.S. Highway 1. See Article 1.

CL - COMMERCIAL LIMITED

- o A piece of land on the northwestern corner of the intersection of Malabar Road and Marie Street, consisting of parcels #752, #753, and #762 of the Town of Malabar, Section 36. See Article 5.

4/17/91

Page 1 of 6

Appendix 'A'

18/24

MALABAR ZONING DESIGNATIONS

- o All lands between Lett Lane and I-95, with its southern limit 465' north from and parallel to Booth Road for the western 660' of the southern boundary, and a southern boundary 615' from and parallel to Booth Road for the remaining southern boundary, Section 10. See Article 6.

CP - COASTAL PRESERVATION

- o All lands between U.S. Highway #1 and the Indian River, from the southern boundary of Parcel 250.3 to the intersection of U.S. Highway 1 and Rocky Point Road.
- o All lands between Rocky Point Road and the Indian River, from the intersection of U.S. Highway #1 and Rocky Point Road, proceeding south to a 5 +/- acre tract at the southern end of Rocky Point Road.
- o A strip of land a minimum of 100' wide along the Indian River on a 5 +/- acre tract of land at the southern end of Rocky Point Road, GL3, GL4, Section 8. See Article 7.

INS - INSTITUTIONAL

- o Lands dedicated to the Audubon Society in the Brook Hollow Subdivision, Section 35.
- o The east 200' of the south 1/4 of the southwest 1/4 of the northeast 1/4 of Section 35 Township 28S, Range 37E and the south 6/10 of the west 1/4 of the southeast 1/4 of the northeast 1/4 of Section 35, Township 28S, Range 37E containing 7.5 acres more or less.
- o A 20.49 +/- acre piece of land north of Malabar Road known as parcel #510, in Section 36, Township 28S, Range 37E (AKA Malabar Town Site).
- o The park property in the J.J. Pollock Subdivision bounded by Florence Street, Nord Street, Alice Street, and Johnson Avenue, Section 31.

OI - OFFICE INSTITUTIONAL

- o All lands between the FEC railroad and U.S. Highway 1, from the north line of Government Lot 2, Parcel 505, Section 5, proceeding south to the confluence of U.S. Highway 1 and the FEC railroad right-of-way, GL1, Section 8.
- o A strip of land, 250' wide lying on the north side of Malabar Road right-of-way; beginning at the western limits of the CG Zoning adjacent to the FEC railroad and running west to Marie Street, Section 31. See Article 8.

MALABAR ZONING DESIGNATIONS

- o A strip of land, 400' wide on the south side of Malabar Road right-of-way; between Pine Street and Marie Street, Section 31. See Article 9.
- o The east 1/2 of the southwest 1/4 of the southeast 1/4 of Section 36, Township 28S, Range 37E, lying north of Malabar Road and less the north 330' thereof. (Parcels #757 through #760, inclusive). See Article 10.
- o That portion of parcel #503 in Section 36, Township 28S, Range 37E lying north of Malabar Road.
- o Lot 2 of Florida Indian River Land Company in Section 34, Township 28S, Range 37E (Parcels #756 and #757).
- o The north 660' of Lots 1, 1.01, 2, 2.1, 3, and 4 of the Floradora Pines subdivision (PB 8, Pg 16), in Section 3, Township 29S, Range 37E.
- o Those lands in the southwest corner of the intersection of Malabar Road and Linrose Lane known as parcel #41, in Section 2, Township 29S, Range 37E.
- o Those lands south of Malabar Road, west of Corey Road, and east of Alexander Lane, known as parcels #25, #38, and #72, in Section 2, Township 29S, Range 37E.
- o The north 600' of Lot 7 (AKA Parcel 66), of the Indian River Fruit and Truck Lands as recorded in PB 2, Pg 95, in Section 1, Township 29S, Range 37E.
- o A piece of land west of I-95 consisting of parcels #266, #270, #278, #299, #317, #310, #283, #292, #302, #308, #309, #261, #267, and the south 100' of #316, Section 10. See Article 11.
- o Parcel #568 of the Town of Malabar, in Section 10, Township 29S, Range 37E.
- o Parcels #518 and #537 of the Town of Malabar, in Section 10, Township 29S, Range 37E.
- o The North 400' of East 1/2 Lot 27, Florida Indian River Land Co. S/D, PB1, Page 165, Section 1, Township 29S, Range 37E.

PUD (R)

- o The north 3/4 of the east 3/4 of Section 36, Township 28S, Range 37E; excluding the north 1/2 of the northeastern 1/4 of the northeastern 1/4, and excluding the northeastern 1/4 of the northeastern 1/4 of the southeastern 1/4, and excluding any portion of parcel #752, #753.

MALABAR ZONING DESIGNATIONS

PUD (C)

- o The south 1/4 of Section 36, Township 28S, Range 37E; Lying north of Malabar Road and east of Malabar Woods Blvd., less and except parcels #503, #757, #758, #759, and #760. See Article 12.

IND - INDUSTRIAL

- o A tract of land including all lands south of Jordan Boulevard and in Section 6, Township 28S, Range 38E; All lands in the northeastern 1/4 of Section 7, Township 28S, Range 38E, less and except the south 669.72' of the west 924'; All of Parcels 754 and 755 lying in the southeastern 1/4 of Section 7, Township 29S, Range 37E; All lands in the north 3/4 of the west 1/2 of Section 8, Township 28S, Range 38E which are south of Jordan Blvd. and west of the FEC railroad.

RM-4

- o The portions of parcels #751 and #500 between the FEC railroad and U.S. Highway #1 in Sections 5 and 6, Township 29S, Range 38E. See Article 13.
- o Lots 8 through 25, inclusive of the Riverview Homes subdivision as described in PB 13, Page 3.

RM-6

- o The west 1/2 of the northwest 1/4 of the northeast 1/4 of Section 35, Township 28S, Range 37E.
- o The portions of parcels #251, #502, and #750 between the FEC railroad and U.S. Highway #1. See Article 14.

RS-10

- o A piece of land consisting mainly of the J.J. Pollack subdivision; bounded on the west by Marie Street, bounded on the north by Nord Street, bounded on the east by the new CG zoning designation, and bounded to the south by the new OI zoning designation, excluding the piece of park land north of Johnson Avenue, east of Florence Street, and west of Alice Street. See Article 15.
- o The Brook Hollow Subdivision consisting of the following portions of Section 35, Township 28S, Range 37E; The east 1/2 of the northwest 1/4 less and except the lands dedicated to the Audubon Society, the east 1/2 of the southwest 1/4, the west 1/2 of the northwest 1/4 of the southeast 1/4, and the south 1/4 of the southwest 1/4 of the northeast 1/4 less and except the east 200'.

MALABAR ZONING DESIGNATIONS

RS-15

- o Lot 30 and the west 1/2 of Lot 31 of the Indian River Land Company (PB 1, Pg 164), Section 35, Township 28S, Range 37E.
- o The southwest 1/4 of the southwest 1/4 of Section 36, Township 28S, Range 37E.
- o The South 347.87' of the east 220' of the southeast 1/4 of the southwest 1/4, Section 36, Township 28S, Range 37E, less and except Road R/W. (AKA parcel #502)

RS-21

- o All lands between U.S. Highway #1 and Rocky Point Road, Sections 5 and 8.
- o A tract of land in the southeast corner of the Town, east of Rocky Point Road and west of the Indian River, excluding the portion of this tract designated Coastal Preservation, Section 8, GL 3 & 4. See Article 16.
- o The north 1/2 of the northeastern 1/4 of the northeastern 1/4 of Section 36, Township 28S, Range 37E.
- o The Country Cove Subdivision, Section 36 (PB 35, Pg 92).
- o The northwest 1/4 of the northwest 1/4 of Section 36, Township 28S, Range 37E.
- o Lot 32 and the east 1/2 of Lot 31 of the Indian River Land Company, Section 35 (PB 1, Pg 164).
- o All lands between U.S. Highway 1 and the FEC railroad, from the Town's southern boundary, proceeding north to the confluence of U.S. Highway 1 and the FEC railroad right-of-way, Section 8.

R-MH - MOBILE HOME

- o Lot 1, Parcel 758 of the Indian River Land Company, Section 34 (PB 1, Pg 164).
- o All lands between U.S. Highway 1 and the FEC railroad consisting of the Century Oaks subdivision (SID, PB 20, Pg 32) and all lands south of the Century Oaks Subdivision to the northern boundary of parcel 759, Section 31. See Article 18.
- o The portions of parcels #14 and #15 between the FEC railroad and U.S. Highway #1, Sections 5 and 6. See Article 19.

RR-65

- o All lands not previously described in this ordinance in the Town of Malabar.

(wpdocs) malabar.tg1

TOWN OF MALABAR

Future Land Use Map: 2010

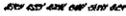
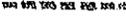
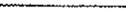
Land Use Policy Designations

Traffic Circulation System

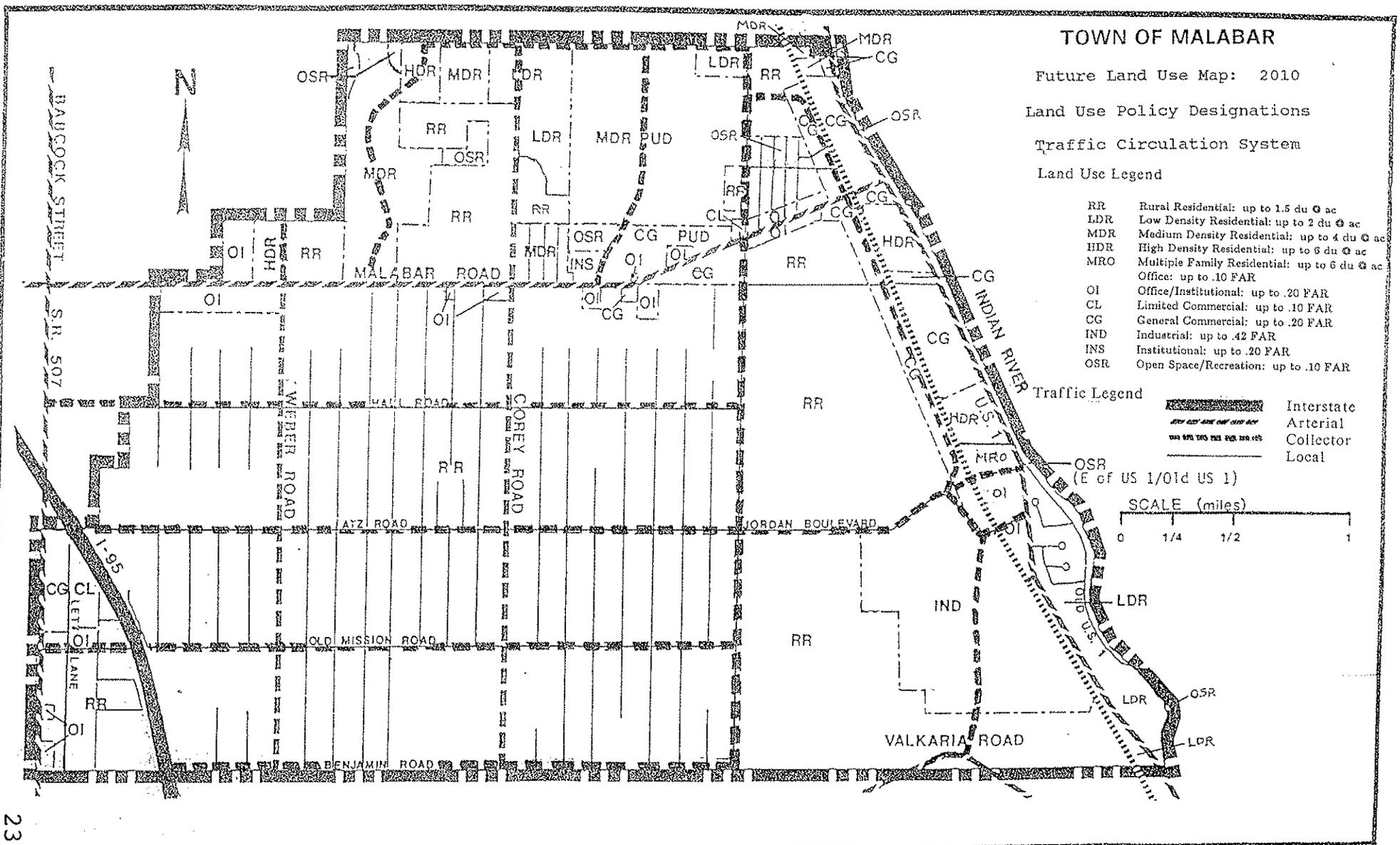
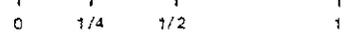
Land Use Legend

- RR Rural Residential: up to 1.5 du @ ac
- LDR Low Density Residential: up to 2 du @ ac
- MDR Medium Density Residential: up to 4 du @ ac
- HDR High Density Residential: up to 6 du @ ac
- MRO Multiple Family Residential: up to 6 du @ ac
- Office: up to .10 FAR
- OI Office/Institutional: up to .20 FAR
- CL Limited Commercial: up to .10 FAR
- CG General Commercial: up to .20 FAR
- IND Industrial: up to .42 FAR
- INS Institutional: up to .20 FAR
- OSR Open Space/Recreation: up to .10 FAR

Traffic Legend

-  Interstate
-  Arterial
-  Collector
-  Local

SCALE (miles)



TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: March 12, 2014

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

SUBJECT: Future Land Use Map and Defining R/LC

BACKGROUND/HISTORY:

This Board is clarifying R/LC with definitions and Land Use/Zoning. The request was for staff to provide information that went for approval and provide Articles II& III to continue work on clarification.

ATTACHMENTS:

ACTION OPTIONS:

Discussion/ Recommendation to Council

**BRING 3 RING BINDER FROM
FEBRUARY 12, 2014 MEETING
& AGENDA (3) FROM
FEBRUARY 26, 2014**