

TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: SEPTEMBER 10, 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 July 9, 2014 (**un table**)

Draft minutes of P&Z Board Meeting of August 13, 2014

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 9, 2014 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON KRIEGER
	GRANT BALL
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES:

Krieger asked to reverse “Discussion Item” 2 & 3, and add an Item under Discussion, “Housekeeping” to talk about the Ordinance #2014-08 concerning the rules that were introduced to the Board. Reilly said that we can make it Discussion Item # 1a. **Reilly asked if all in Favor, All Ayes**

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 6/25/14

Exhibit:	Agenda Report No. 1
Recommendation:	Motion to Approve

MOTION: Krieger/Ritter to approve P&Z minutes of 6/25/2014 with corrections.

Ritter-

Page 6 of 14

4th parag from the bottom said instead of aid

Last parag, 1st sentence else’s & re locating is one word relocating.

Page 7 of 14

1st parag. the last line add had

Last parag. 3rd line Seybold is concerned...that

Vote: All Ayes

- E. PRESENTATION:
- F. ACTION:
- G. DISCUSSION:

1a. "Housekeeping"- (Don Krieger)

Krieger talked about the Ordinance # 2014-08 concerning absences, as a Board we are considered absent if not present 75% of a scheduled meeting. Krieger wanted to know how much this Ordinance had cut into the authority of the Chairman and who had made the decision on what an absences is or what an absences is not? Normally the PZ Meetings are till 10PM. Normally the Town Council picks a time if they go past that time they go on 15 minute intervals to continue. Krieger said that after he read the Ordinance he thought the PZ Meetings should resolve to have a meeting that ends at 9:30PM and at 9:30PM if the super majority of voters want to continue beyond we can vote for 15 minute intervals up to a maximum of three continues and adjourn by 10:15PM.

Reilly said that you will then have to stay till 9:00PM. Kreiger said that this Ordinance has a lot of non-consistencies in it. Kreiger asked authority that in the pre-amble to this Ordinance the Town Clerk clearly indicated the section of Code that was to be deleted many many things not addressed in the Ordinance have been taken out of the Code.

Krieger said the P&Z Meetings are 7:30-9:30PM unless a supermajority (4-5 members), 3 members cannot continue the meeting.

Ryan said the night of the Council Meeting that the Ordinance 2014-08 was discussed he called a Council Member (C.M.) and said that there were so many inconsistencies in the Ordinance that it should really be looked at again before they take a vote on it (the Ordinance 2014-08). The Council Member responded that "you should come to the meetings".

Reilly said that we can set our own rules relating to how meetings are scheduled and how the agendas are conducted.

Ritter explained to the Board that she was at the Council Meeting and the comment was made that it (the Ordinance) was in the newspaper and anyone could come to the meetings.

Kreiger said he would like a Resolution that the P & Z Meetings are 7:30 to 9:30PM with a vote and if we wish to extend the meetings thereafter we do it in 15 minute intervals by a supermajority vote and no more than three intervals. **Kreiger/Ritter All in Favor All Ayes**

Foster asked what was the purpose of the Town Council deciding what the attendance policy should be for the Boards. Reilly responded that P&Z is an advisory Board and we work for the Council.

- 3. Discuss Off-Street Parking and Contiguous Parking
 - Exhibit:** Agenda Report No. 3
 - Recommendation:** Discussion

Ritter discussed the "hand out" that she provided to this P&Z Board on 7/9/14 about the definition of "parking". Ryan agreed that Ritter's verbiage is good for the definitions.

Kreiger said in Malabar we have a rule that all parking has to be contained within the property when you are building a new structure.

The Board discussed the "downtown" area of Malabar and different scenarios of parking. The Board suggested that 100% of parking is on the same property as the business therefore being

"contiguous". Kreiger asked about those businesses that already exist. Ritter said those businesses currently would have to be reviewed when coming in for permitting.

Ryan suggested looking at different municipalities for verbiage to add to Malabar's Code. Ryan said that we can set general guideline to go by.

The Board discussed the definitions of "Parking" submitted by Ritter extensively.

Reilly suggested for Homework:

- Take Malabar's Code Article IX (9) and cut and paste what you want to change.
- Take present Code & use other Municipalities for verbiage and bring back to next meeting.

2. Continue Discussion on Future Land Use Maps and Defining R/LC

Exhibit: Agenda Report No. 2

Recommendation: Discussion

The Board discussed page 117 of the Code for R/LC.

Kreiger asked if the new buildings were addressed versus the existing buildings with people already living in them, they should have some sort of "grandfathering" capabilities. Ritter said for the house but not for the businesses. Reilly said that if you have an existing house and convert to Commercial you have to conform to Commercial Standards.

Reilly said he agrees with the changes that were done on R/LC verbiage, Kreiger does not agree.

The Board discussed verbiage for R/LC extensively and changed some verbiage. Kreiger explained that if someone already exists in this zoning with chickens they can not be kicked out. Krieger said he thought that we never intended for R/LC to be "High Density".

Corrections done on R/LC verbiage page 15/79 (PZ Meeting 6/25/14):

Bold underlined verbiage

- ~~To encompass = for~~
- ~~Progressive = flexible~~
- ~~Delete low and moderate~~
- ~~Delete framework - add district(s)~~

Krieger commented, "Do we want restrictions of height in accordance to zoning". Ritter/Kreiger discussed Florida Vernacular and a height of 35 feet in the R/LC areas.

Reilly explained that six (6) units per acre is high density and is allowed in the R/LC zoning. Ritter explained that water and sewer is needed for six (6) units per acre.

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

Krieger asked when was the last time we looked at classifications of roads, Kreiger remembered that Debby had asked about changing the classification of Marie Street awhile ago and the Board had said, no.

Krieger recommended looking at roads throughout the Town on a yearly basis for the following reasons:

- Road Conditions
- Making Recommendations concerning roads

J. OLD BUSINESS/NEW BUSINESS:

Ryan said for the record as of a couple of days ago, I am a serious, determined, and committed candidate for Town Council seat #3.

K. ADJOURN

There being no further business to discuss, MOTION: Ryan/Ball to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9: 31 P.M.

BY:

Pat Reilly, Chair

Denine Sherear, P&Z Board Secretary

Date Approved: as corrected

DRAFT

"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 13, 2014 7:30 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	DON KRIEGER
	GRANT BALL
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES:

Motion: Krieger / Ryan to table 7/9/14 Minutes till next Meeting Vote: All Ayes

D. CONSENT AGENDA:

- 1. Approval of Minutes** Planning and Zoning Meeting – 7/23/14
Planning and Zoning Meeting – 7/09/14

Exhibit: Agenda Report No. 1
Recommendation: Motion to Approve

Motion: Krieger/Ritter To Approve P & Z Minutes of 7/23/2014 as corrected. Vote: All Ayes

Ball corrections:

Page 4/74 under 2a. 1st sentence take out "about"

2nd line absentees = absences

3rd line effect = affect

2nd parag, 2nd line "The Municode was formerly left to....."

3rd line "Now we have "non rules", should we"

Krieger corrections

Page 2/74 3rd parag. Page 1183 should be Page 1185 Section 1-20.2

Ball corrections:

Page 5/74 4th parag ELL's should be EEL's

5th parag ELL's should be EEL's

8th parag stromwater should be stormwater

Under #3 2nd parag formally should be formerly
3rd parag 3rd line verses = versus

Krieger correction:

Page 6/74 top of page RM4 = 4 units per acre, RM6 = 6 units per acre

Reilly corrections:

Page 6/74 3rd line up from the bottom

"Highway 1, Now, if a house burned....."

E. PRESENTATION:

F. ACTION:

G. DISCUSSION:

- 2. Discuss Off-Street Parking and Contiguous Parking
- Exhibit:** Agenda Report No. 2
- Recommendation:** Discussion

The Board discussed all the definition of "Parking" (page 10/74) extensively and updated verbiage.

Definition for "Roadway" add the word public = Any public path used by vehicles as a way of getting somewhere.....

The Board discussed the definition of "Right of Way Line", Foster explained that "Right of Way Line" is defined by the people that construct the roads. Krieger suggested that the road be defined by an authority or agency.

Homework:

Reilly suggested to the Board to look at other municipalities for a definition for "Right of Way Line" and to search in Malabar Code Book to see where it is used

Reilly asked for staff to get the opinion of the lawyer for the definition of "Right of Way Line" and how it pertains to our Malabar Code.

Foster added that Department of Transportation (DOT) can control the Right of Way without owning it. Foster said that it clearly states that in the right of way of your property DOT can use it and you maintain it. Ryan said the DOT trumps all.

The Board discussed page 11/74 in PZ packet (8/13/14) which is Article IX "Off-Street Parking & Traffic Circulation

Krieger/Ritter suggested moving the underline paragraph on page 15/74 to under Section 1-9.1 Applicability under first paragraph "Parking"

Krieger suggest to also add the following

- With proper engineering and approved safety standards
- Something about... to be approved and recommended by P&Z to Town Council.

The Board continued discussion and Reilly said to make changes and bring back for next meeting for review.

The Board discussed the placement of "Parking" definitions in the Code Book, Article XX page 33/74 and made the following recommendations:

- Take out the word "terms" just use "Parking"
- 2nd "Off- Site Parking , not Off- Street
- Roadway definition add the word "Public" after any.
- Move Parking definitions to after "Open Spaces" alphabetically. (page 32/74)

Reilly said the next meeting should be a final review.

3. Continue Discussion on Future Land Use Maps and Defining R/LC

Exhibit: Agenda Report No. 3

Recommendation: Discussion

(No discussion)

4. Discuss Roads & Drainage in Malabar

Exhibit: Agenda Report No. 4

Recommendation: Discussion

Krieger said that he was involved with the project (roads and drainage) in the late 80's when Corey and Weber Road were asphalted. Krieger said he suggested to Town Council about doing traffic studies because they are through roads. You want these roads to belong to the county (Brevard) so they can be paved and they (Brevard County) can do the maintenance.

Krieger said that the priorities are to cap roads that need capping, and we need to maintain any roads that we have.

Foster asked where the funds came from to pave Corey and Weber Road, Krieger responded the state funded the paving.

Ritter said at a regular Council Meeting that Mayor Beatty went over roads to do some repairs at the beginning of the year and the end of the year so more work can be done. Ritter said that Beatty has a road list. Sherear clarified that Beatty's road list has not been submitted yet.

The Board looked at the town map in the PZ packet and discussed the different roads and private drives. Krieger said that the Town should ask for 50 foot right of way for roads.

Reilly and the Board discussed the "Proposed drainage Projects" (page 74/74)

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

Reilly suggested the 5 year plan for the Town it is in the Charter to review every 5 years, ask Debby and find out when the last time this was done. Krieger asked about the 5 year pamphlet and when it happened.

I. PUBLIC

Juliana Hirsh 1035 Malabar Road, Malabar FL Juliana said that Alexander Road is a private road like my road but apparently Waste Management goes to houses on that road to pick up trash.

J. OLD BUSINESS/NEW BUSINESS:

Old Business: NONE

New Business:

Ball asked Board about meeting minutes, and if minutes taken now are more than is required. Reilly responded "yes" they are more than is required. Ball suggested having Denine start doing short paragraphs of the discussions at hand and the "motions". If someone wants to know more about the discussion the audio tapes are available. Grant said going through the minutes and making corrections seems to be counterproductive as an advisory Board.

Ryan said that written minutes are important. Ball doesn't agree.

Reilly said to the Board that the minutes can be a summary, verbatim, or middle of the row. Krieger suggested "short & sweet minutes" to get minutes earlier.

Ball suggested a more abbreviated version of P&Z Minutes.

Ryan asked staff to check with the Attorney to see what the legal minimum is required for Board meeting minutes.

Sherear reported that there will be a Public Hearing at the second meeting in September 24th 2014 for property on 1300 US Highway 1, Willy had come to this Boards a few months ago about changing property from R/LC to CG. This will be a Land use & Zoning Change.

The Board discussed cancelling the P&Z Meeting for August 27, 2014 with election of office going on. The Board recommended to the Chair (Reilly) to cancel meeting of August 27, 2014.

The Board asked about the Board of Adjustment Meeting (BOA) scheduled for 8/19/14. Sherear explained it was for a Variance on Fins Lane, a property owner would just like do a minimum road and a driveway to gain access to properties and not have to extended road to the furthest point of property to build.(per our Code).

K. ADJOURN

There being no further business to discuss, **MOTION: Ryan/Ball to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 9:27P.M.

BY:

Pat Reilly, Chair

Denine Sherear, P&Z Board Secretary

Date Approved: as corrected

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: September 10, 2014

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

SUBJECT: Off-Street Parking and Contiguous Parking

BACKGROUND/HISTORY:

At the 8/13/2014 Chair Pat Reilly and Board suggested staff make revisions and corrections of the Articles concerning "Off-Street Parking" in our Code and bring back to next meeting for review.

Staff took suggestions that Board presented and inserted into the current codes **Article IX (9) Off Street parking & Internal Traffic Circulation** and **Article XX (20) Language and Definitions**.

ATTACHMENTS:

- Article IX with bold/underlined added verbiage
- Article XX with bold/underlined added verbiage

**BRING PACKET FROM 6/25/14 WITH SURROUNDING
MUNCILPALITY INFORMATION**

ACTION OPTIONS:

Discussion

ARTICLE IX

OFF-STREET PARKING AND INTERNAL TRAFFIC CIRCULATION

Malabar, Florida, Code of Ordinances >> - LAND DEVELOPMENT CODE >> Article IX
OFF-STREET PARKING AND INTERNAL TRAFFIC CIRCULATION >>

Article IX OFF-STREET PARKING AND INTERNAL TRAFFIC CIRCULATION

Section 1-9.1. Applicability.

Section 1-9.2. **Parking** spaces required by use.

Section 1-9.3. Computation of **parking** spaces.

Section 1-9.4. **Parking** in yards and landscaping.

Section 1-9.5. Design and specifications for **parking** and loading areas.

Section 1-9.1. Applicability.



Parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity by a change of use or the addition of dwelling units, floor area, seats, employees or other factors determinative of **parking** demand as stated in this Article IX. **Non-Contiguous Parking is not allowed unless proper engineering and approved safety standards are in place The Planning and Zoning Board will then review and make recommendation to Town Council for approval. The interest of the health, safety and welfare of the general public in the promotion and preservation of traffic safety, all buildings, structures or activities shall be provided with adequate off-street parking and off-street loading facilities for the use of occupants, employees, visitors and patrons associated with the site in accordance with the parking and loading of this section.**

Section 1-9.2. **Parking spaces required by use.**

1.
Single Family Dwellings. Two (2) spaces for each single family dwelling, plus one (1) space for each one thousand square feet over two thousand square feet of floor area.
2.
Two Family Dwellings. Two (2) spaces for each family unit, plus one (1) visitor space for each two (2) units.
3.
Multi-Family Dwelling. Two (2) spaces for each family unit, plus one (1) visitor space for each two (2) units.
- 4.

5. *Hotels and Motels.* One (1) space for each sleeping unit plus one (1) space for manager and one (1) space for every three (3) employees on the largest shift.
6. *Mobile Home Parks or Courts.* Two (2) spaces per unit; one (1) must be at lot site.
7. *Mobile Home Subdivisions.* Two (2) spaces for each mobile home unit at the site.
8. *Private Clubs or Lodges.* One (1) space for every five (5) seats or one (1) space for every one hundred fifty (150) square feet of gross building area, whichever is greater.
9. *Stadiums and Other Places of Public Assembly.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred twenty (120) square feet of floor area of the main assembly hall, whichever is greater.
10. *Places of Worship.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred and twenty square feet of floor area in the main assembly hall, whichever is greater.
11. *Public Buildings, Theaters, Auditorium.* One (1) space for every three (3) seats figuring maximum seating capacity or one (1) space for each one hundred and twenty square feet of floor area in the main assembly hall, whichever is greater.
12. *Hospitals.* One (1) space for each two (2) beds intended for patients, plus one (1) space for each doctor, or other employee, and one (1) visitor space for every three beds, or one (1) space per three hundred (300) feet of building area, whichever is greater.
13. *Nursing Homes.* One (1) space for each five (5) beds plus one (1) space for each employee, including doctors, or one (1) space for per three hundred (300) feet of building area, whichever is greater.
14. *Medical Offices.* One (1) space for each one hundred fifty (150) square feet of gross building area or five (5) spaces for each doctor, whichever is greater.

- Child Care Facilities.* One (1) space for each employee plus one (1) visitor or parental space for every three children enrolled, or one (1) space for each three hundred (300) feet of building area, whichever is greater.
15. *Retail Sales Stores.* One (1) space for each two hundred (200) square feet of retail floor space.
16. *Restaurants and Lounges.* One (1) space for each one hundred (100) square feet of gross building area.
17. *Libraries and Museums.* One (1) space for each three hundred (300) square feet of gross building area.
18. *Manufacturing Wholesale and Warehousing.* One (1) space per five hundred (500) square feet of gross building area or one (1) space for each two (2) employees on the largest shift, whichever is greater.
19. *Bowling Lanes.* Six (6) spaces per lane.
20. *Marinas.* One (1) space for each three hundred (300) square feet of principal building plus one (1) space for every three (3) storage or slip places.
21. *Schools.*
- (a) *High Schools.* One (1) space for each four (4) students.
- (b) *Junior High and Elementary Schools.* One (1) space for each ten (10) students.
22. *Business and Vocational Schools.* One (1) space for each three (3) students.
23. *Gasoline Service Stations.* Two (2) spaces for each bay, grease rack (excluding grease trap as **parking** space) or similar facility, plus one (1) space for each gas pump. No such bay, rack or similar facility shall be counted as a **parking** space for meeting the **parking** requirements of this Article.
24. *Shopping Centers.* Five and one-half (5.5) **parking** spaces for each one thousand (1,000) square feet of gross floor space in the shopping center.
- 25.

- Office and Professional Building (excluding medical offices).* One (1) space for each two hundred (200) square feet of office space.
- 26.
- Transportation Terminals.* One (1) space for each two hundred (200) square feet of floor space.
- 27.
- Auto Sales and Repair.* One (1) space for each employee at maximum employment on a single shift, plus two (2) spaces for each three hundred (300) square feet of auto repair or sales spaces.
- 28.
- Funeral Homes.* One (1) space for every three (3) seats figuring maximum seating capacity plus five (5) spaces for employees or one (1) space for each one hundred twenty (120) square feet of floor area of gross floor area [sic], whichever is greater.
- 29.
- Drive-Through Facilities.* In addition to other **parking** requirements for a principal use, stacking spaces shall be provided for drive-through facilities in compliance with the following minimum specifications:
- (a)
- Number of spaces required including receiving or service window space.* Six (6) stacking spaces per drive-through lane. Where this requirement is demonstrated by the applicant to be inconsistent with the traffic generating characteristics of a specific use, the applicant may request that the standard be modified by the Town Council. The Town Council may approve a reduction in the required waiting spaces for such use provided the applicant demonstrates that the intended use generates a low volume of drive-up traffic and does not require the standard six (6) stacking spaces. The Town Council shall consider the nature of the use, its intensity, size, other **parking** facilities provided and other traffic generating characteristics.
- (b)
- Length of Spaces.* Each space shall be a minimum of twenty (20) feet in length.
- (c)
- Width of Spaces.* On curves with a radius of twenty-five (25) feet or less, a minimum pavement width of twelve (12) feet shall be provided. On curves with a radius of more than twenty-five (25) feet, a minimum pavement width of ten (10) feet shall be provided.
- (d)

Surface requirements shall be the same as those specified for **parking** areas.

30.

Bed and Breakfast. One (1) **parking** space for each guest quarter and two (2) spaces for the entire residence.

(Ord. No. 06-19, § 2, 1-11-07)

Section 1-9.3. Computation of **parking spaces.**

In computing the number of required **parking** spaces the following rules shall govern:

1.

Floor Area Calculation. Floor area means the gross floor area of a particular use.

2.

Interpretation of Computation with Fractions. Where fractional spaces result, the number of spaces required shall be construed to be the next whole number.

3.

Requirements for Uses Not Identified. The **parking** requirement for any use not specified shall be the same as that required for a use of a similar nature as recognized herein or where not recognized herein, shall be based on criteria published by the American Planning Association or similarly recognized standards of their profession and such standard shall be approved by the Town Council.

4.

Requirements for Mixed Uses. In the case of mixed uses the **parking** spaces shall be equal to the sum of the several uses computed separately.

5.

Applicability of Standards to Expanding Uses. Whenever a building or use is enlarged in floor area, number of dwelling units, seating capacity or in any other manner so as to create a need for a greater number of **parking** spaces than that existing such spaces shall be provided in accordance with this Section. Any **parking** deficiency shall be brought into conformity concurrently with the enlargement or change of use.

6.

*Location of **Off-Street Parking and Non Contiguous Parking** Spaces.* Except as otherwise prescribed for dwelling units, **off-street parking** spaces required by this section shall be located on the site on which the



main building or use is located. For buildings or uses located in a commercial district, **parking** spaces may be located not more than five hundred (500) feet from the subject site if approved by the Town Council. Such **parking** space will be within a commercially zoned district and appropriate legal documents including any required restrictive covenants, necessary to implement conditions imposed by the Town Council shall be filed as an integral part of the approved site plan.

7.

*Combined **Parking** Spaces.* The required **parking** spaces for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time.

Section 1-9.4. **Parking in yards and landscaping.**

Unenclosed **parking** spaces may be located within a required yard. All **parking** areas other than for single family homes shall conform to the landscape requirements of the Town land development regulations, as exist or as may hereinafter be amended.

Section 1-9.5. Design and specifications for **parking and loading areas.**

A.

Stalls, Aisles and Driveways. **Parking** stalls shall be ten (10) feet wide by twenty (20) feet long for angle **parking**; and shall be nine (9) feet wide by twenty-three (23) feet long for parallel **parking** stalls. Aisle dimensions shall be in accord with standard specifications on file with the Building Official. Angle **parking** shall be restricted to angles of ninety (90) degrees, sixty (60) degrees, or forty-five (45) degrees. The following criteria are applicable to all **parking** spaces, excepting single family homes.

1.

Each **parking** stall shall be accessible from an aisle or driveway and designed so that no automobile shall back into a public **street** in order to exit a **parking** stall. The internal design of the **parking** lot shall be designed to facilitate vehicular circulation and avoid conflict between pedestrian and vehicular movements. Internal circulation also shall be designed so as not to create conflict with access into or egress from the site and shall be consistent with the landscape requirements of this Code.

2.

No door or pedestrian entrance at ground level shall open directly upon any driveway or access aisle unless the doorway or pedestrian entrance is at least three feet or more from said driveway or access aisle and

appropriate improvements are provided to allow for safe pedestrian access to the door.

3.

All paved **parking** spaces shall have lines between spaces to indicate individual stalls, and each stall may be required to be equipped with wheel stops if deemed appropriate by the Town Council based on recommendations of the Town Staff.

(a)

Wheel stops for stalls adjacent to landscaped strips shall be located two and one half (2½) feet from the front end of the stall to prevent encroachment into required landscaped areas. The front two (2) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.

(b)

Wheel stops for stalls not adjacent to landscaped strips shall be located three and one-half (3½) feet from the front end of the stall. The front three (3) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.

4.

Parking lots with twenty (20) or more spaces may be comprised of a maximum of fifteen (15) percent compact car **parking** stalls. Such compact car stalls shall be seven and a half (7½) feet wide by fifteen (15) feet long and marked for use by small vehicles. The markings shall be maintained in perpetuity. The intent is to deter larger cars from using compact car spaces.

5.

All publicly maintained and operated **parking** facilities intended for public use and all businesses, firms, or other persons licensed to do business with the public shall comply with requirements for access established in the Accessibility Requirements Manual published by the Department of Community Affairs, Florida Board of Building Codes and Standards.

B.

Entries, Exits, Drives and Vehicle Maneuvering Areas. All uses which are required to provide three or more **off-street parking** spaces shall have entry and exit ways and drives at least eighteen (18) feet in width to accommodate two-way traffic unless a one-way traffic system is utilized, in which case entry and exit ways and drives shall be at least nine (9) feet in width. In the event a one-way traffic system is utilized, appropriate traffic direction markers shall be installed.

The internal circulation system, including drives and maneuvering areas, shall be designed to permit convenient maneuvering of cars and service vehicles into and out of each **parking** and loading space, and shall be arranged so that no vehicle need back onto a public right-of-way. No occupied **parking** or loading space shall interfere with access to any other **parking** or loading space, or with any pedestrian walkway. The design of **parking** facilities shall also comply with landscape requirements of Article XIII [Article XIV].

C.

*Restricted Use of **Off-Street Parking** Areas.* All **parking** areas shall be used for automobile **parking** only, with no sales, dead storage, non-emergency repair work, dismantling or servicing of any kind. Where lighting is provided, it shall be arranged to reflect away from residential areas and public ways.

D.

***Off-Street** Loading Regulations.* The following spaces shall be provided for the uses indicated:

1.

Every hospital, institution, hotel, commercial or industrial building or similar use having a floor area in excess of five thousand (5,000) square feet or fraction thereof requiring the receipt or distribution by vehicle of materials and merchandise, shall have at least one permanently maintained **off-street** loading space for each five thousand (5,000) square feet of gross floor area or fraction thereof.

2.

Retail operations, wholesale operations and industrial operations with a gross floor area of less than ten thousand (10,000) square feet, shall provide sufficient space so as not to hinder the free movements of vehicles and pedestrians over a sidewalk, **street** or alley.

3.

Each space shall have a direct access to a public right-of-way and shall have the following minimum dimensions:

(a)

Length: Twenty-five (25) feet; a larger length upward to thirty-five (35) feet may be required upon recommendation by the City Engineer and approval of the Planning and Zoning Commission.

(b)

Width: Twelve (12) feet.

(c)

Height: Fourteen (14) feet.

All subject to site plan approval.

E.

*Surfacing Requirements for **Parking** and Loading Spaces.* In all zoning districts, surfacing of all **off-street parking** areas and drives, except within the RR-65 zoning district having single family uses exclusively, shall be as follows:

- *Nonporous Surfaces.* All **parking** areas and approaches thereto shall require a minimum surfacing material of four (4) inches reinforced concrete, or six (6) inches of lime rock, after compaction or a comparable material with one (1) inch minimum asphaltic topping except as other [otherwise] provided herein.

F.

Modifications. The Town Council may approve modifications to the specifications of Section 1-9.5 upon demonstrated need by the applicant and based on recommendations of the Town Staff and the Planning and Zoning Board. In considering modifications to the specifications required by this Section, the Town Council shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper, or an equivalent commonly accepted source of standards.

G.

***Parking** Areas Not to be Reduced in Area.* Area designated for **off-street parking** or loading in accordance with the requirements of this Code shall not be reduced in area or changed to any other use unless the permitted use which it served is discontinued or modified, except where equivalent **parking** or loading space is provided and approved pursuant to Article III [Article VII] "Site Plan Review."

PORTION OF

ARTICLE XX

DEFINITIONS &

LANGUAGE

Mobile Home Site. A lot or space or plot of ground within a mobile home park or trailer park, designated for the accommodation of not more than one mobile home or trailer coach.

Mobile Home Subdivision. A recorded subdivision of land officially recorded which provides individual sites, for sale, for mobile homes.

Model Home. A finished, single-family residential unit, including units in a multifamily structure and mobile homes for which a certificate of occupancy could be obtained, located in a residentially zoned district but utilized as an example of a product offered for sale to purchasers (by a realtor, builder, developer or contractor). The dwelling house may be furnished but not occupied as a residence while being used as "Model Home."

Motel. See Hotel.

Noncomplying Building or Structure. Any building or other structure which is a lawful use (permitted or nonconforming) but which does not comply with all applicable provisions of this Code, including bulk regulations, off-street parking requirements, landscape requirements, performance standards, or airport height hazard zone requirements, either on the effective date of this Ordinance or as a result of any subsequent amendment.

Nonconforming Use. A use of a building or structure or of a tract of land which, at the time of the commencement of the use, was a permitted use in the zoning district, or any legal change thereto from the time of the commencement thereof until the effective date of this Ordinance, but which does not, on the effective date of this Ordinance, conform to the use criteria of the district in which it is located.

Open Space (Green Area). Open space includes the gross area of the site less building coverage, parking surface and internal traffic circulation system.



Parking.

Contiguous Parking. Parking is in the same location and on the same property as the Business's Building and has the same owner(s).

Off-Site Parking. Parking is not on the same location or property as the Business's Building.

Off-Street. Parking is not on any Roadway or any Right of Way or within any "Right of Way Line"

On-Street. Parking is abutting a Roadway.

Roadway. Any public path used by vehicles as a way of getting somewhere. IE: Lane, Road, Street, Trail, etc.

Parking Lot. An area or plot of ground, used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

Parking Space, Off-Street shall mean a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

Permeable Surface. Any surface permitting full or partial absorption of stormwater into previously unimproved land.

Premises. Any land together with any structures occupying it.

Principal Structure. A building in which is conducted the principal use of the lot on which it is situated. An attached carport, shed, garage or any other structure with one (1) or more walls or a part of one (1) wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applied to the principal building. A detached and structurally independent carport, garage or other structure shall conform to the requirements of an accessory building. A structure conforming as an accessory building may be attached to the principal building by an open breezeway.

Public Water and Sewer Service. This shall mean water and sewer systems, including pipes, rights-of-way and treatment plants, owned and operated by the Town or operated under a franchise granted by the Town.

Recreational and Landscaped Open Space. Unroofed or screen roofed ornamental landscaped areas and recreational areas which are easily accessible and regularly available to occupants of all dwelling units on the lot wherein the open space is located. Rooftops, porches, raised decks, parking spaces, driveways, utility and service areas are not calculated as open space.



Right-of-Way Line. The boundary line between highway, road or street and a tract or parcel of land adjoining such highway, road or street. The right-of-way line shall be considered the property line.

Setback. The minimum horizontal distance between the street, rear or side line of the lot and the front, rear or side lines of the building, including porches, carports and accessory uses.

Shopping Center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shoreline. The mean high water line for tidal water bodies and ordinary high water line for non-tidal waters for inland water bodies.

Special Exceptions. A special exception is a use that would not be appropriate generally or without restriction throughout a particular zoning district but would, if controlled as to number, area, location or relation to the neighborhood, be appropriate.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above. If any portion of a roof area is intended for human occupancy, except for maintenance purposes, then such roof area shall also be considered a story, notwithstanding that no floor or ceiling is located above it.

Street. A thoroughfare which affords principal means of access to abutting property. Street classifications include the following:

Arterial. Arterial streets serve as principal routes through the Town. The purpose of these facilities is to move large volumes of traffic from one part of the region or county to another. Arterial roads also provide connections between major activity centers of the County or Town.

Major Collector Streets. Major collector streets collect and distribute traffic from residential access streets to arterial streets or other collector streets.

TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: September 10, 2014

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

SUBJECT: Future Land Use Map and Defining R/LC

BACKGROUND/HISTORY:

This Item was not discussed at last P&Z Meeting on 8/13/2014.

Chair Pat Reilly suggested each Board Member provide their suggestions for Malabar Code, using verbiage from Liz Ritter suggestions submitted on 5/16/14 (attached). Bring back to next meeting on 9/10/14 to continue the discussion with the revisions from 7/9/14 & 7/23/14.

ATTACHMENTS:

- Liz Ritter R/LC Suggestions submitted 5/16/14 with revisions

ACTION OPTIONS:

Discussion/ Recommendation to Council

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

***Revisions made by P&Z Board at July 9, 2014 MEETING
Ritter originally submitted by email on 5/16/14***

Regular text is original MUNI code

Strike-through text we had wanted to be deleted

Underline text is what we had proposed

Bold underlined text is further additions we had suggested (**Purple** is Liz)

Italic bold underlined text is my possible suggestions

R/LC

Residential and Limited Commercial

R/LC "Residential and Limited Commercial." The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use Rural-Residential and Limited Commercial development on the Comprehensive Plan Future Land Use Map (FLUM).

R/LC is intended for flexible land uses including elements of low-density rural and agricultural applications as well as allowing limited, low, and commercial applications within a mixed-use district(s).

Such development is intended to accommodate limited commercial goods and services together with rural-residential activities on specific sites designated "R/LC" which ~~are situated along the west side of the US 1 corridor as delineated on the FLUM.~~ This residential land use and zoning shall permit moderate density multiple family residential development, limited commercial development separately where current infrastructure allows or as a combination of these uses as regulated by table 1-3.3A.

For instance, sites within R/LC this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a maximum density up to four (4) ~~six (6)~~ **six (6) residential** units per acre. A building(s) or portions of a building may have residential or commercial use(s) or a combination of both.

Residential / Limited Commercial activities shall generally cater to the following markets:

Local residential markets within the town as opposed to regional markets; or Specialized markets with customized market demands.

A Malabar Vernacular Style is required for all development along arterial roadways.

Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one

Commercial use(s) shall not exceed residential dwelling unit(s) by more than one as described in the following table

Permitted Combinations of Uses

Total Units/ uses	Residential	Limited commercial
1	<u>1</u>	<u>0</u>
1	<u>0</u>	<u>1</u>
2	1	1
3	2	1
3	1	2
4	2	2
<u>5</u>	<u>3</u>	<u>2</u>
<u>5</u>	<u>2</u>	<u>3</u>
<u>6</u>	<u>3</u>	<u>3</u>

Building or portions of building may have residential or commercial use(s) or both as regulated by table 1-3.3A.

Areas designated for mixed use Residential and Limited Commercial development are not intended to accommodate commercial activities with a floor area in excess of four thousand (4,000) square feet, such as large-scale retail sales and/or service facilities or trade activities. These types of commercial activities generally serve regional markets and the intensity of such commercial activities is not generally compatible with residential activities located within the same structure or located at an adjacent or nearby site. Such stores would usually differ from limited commercial shops since the former would usually require a floor area larger than four thousand (4,000) square feet; would generally carry a relatively larger inventory; and require substantially greater parking area.

Uses, which are not intended to be accommodated within the limited commercial area, include the following: large-scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive-in facilities.

Liz changes: in purple Original in red

Single family or multiple family residential uses with a density no greater than six (6) units per acre may also be located in the R/LC district. Such residential uses may be located either within a freestanding structure or within a structure housing both Residential and Limited Commercial activities. The R/LC district is intended and shall be interpreted to be a "~~commercial~~" "residential" district, until such time as application is made and accepted for a Limited Commercial activity, and shall then comply with respect to required setbacks and other size and dimension provisions referenced by zoning district in this Code.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: September 10, 2014

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

SUBJECT: Discuss Roads and Drainage

BACKGROUND/HISTORY:

It was suggested by Board Member Don Krieger to discuss Roads and Drainage in the Town of Malabar. At the last P&Z on 8/13/14 it was suggested to review the priorities being roads that need to be capped and to maintain any roads we have in the Town.

ATTACHMENTS:

- NONE

ACTION OPTIONS:

Discussion

**Please bring P&Z Packet from 8/13/14 for
Information concerning this Agenda Item.**