

TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY SEPTEMBER 24, 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** No minutes ready
- E. **PUBLIC HEARING:**
 - 2. **Land Use Amendment & Zoning Change for Parcel 28-38-31-00-00750 aka**
1300 Highway 1, Malabar, FL 32950; Request to change from Residential/Limited
Commercial (R/LC) to Commercial General (CG):
Applicant: KellWill, LLC, represented by Mr. William Carmine.
Exhibit: Agenda Report No. 2
Recommendation: Action to Council
 - 3. **Request to Vacate 375' of Fins Lane Right-of-Way Between Malabar Road and**
Hall Road: Applicants Federico & Teresa Calderon.
Exhibit: Agenda Report No. 3
Recommendation: Action to Council
- F. **ACTION: 0**
- G. **DISCUSSION: 3**
 - 4. **Continue Discussion re: Off-Street and Contiguous Parking**
Exhibit: Agenda Report No. 4
Recommendation: Discussion
 - 5. **Continue Discussion re: Future Land Use Maps and Defining R/LC**
Exhibit: Agenda Report No. 5
Recommendation: Discussion
 - 6. **Discuss Roads & Drainage in Malabar**
Exhibit: Agenda Report No. 6
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 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: SEPTEMBER 24, 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 September 10, 2014 (Not ready yet)

ACTION OPTIONS:

Secretary requests approval of the minutes.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: September 24, 2014

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

SUBJECT: Land Use Map Amendment & Zoning Change for Parcel 28-38-31-00-00750 aka 1300 Highway 1, Malabar, Florida 32950 from Residential/Limited Commercial (R/LC) to Commercial General (CG); Applicant KellWill, LLC, Represented by Mr. William Carmine.

BACKGROUND/HISTORY:

Mr. Carmine came before this P&Z Board to introduce his commercial project idea of relocating his marine business to Malabar. I mentioned this at a P&Z Meeting and that this would be coming before this Board at a future meeting to request the land use and zoning change. The above mentioned property is currently vacant land, zoned Residential/Limited Commercial (R/LC) allowing development for limited commercial businesses. Mr. Carmine has requested the property be changed to CG so he can proceed with his site plan to build his motorsports shop for sales and service. His shop is currently in Grant-Valkaria.

The Applicant has complied with all application procedures. The applicant is coming before this Board as a present business owner in Malabar desiring to bring his other business from Grant/Valkaria to the Town of Malabar. The property on the south side of Malabar Road is currently CG.

The method used to make these changes is by ordinance. Denine provided complete packages to the Planner and Engineer for review. Engineer Smith had no adverse comments. Comments from the Planner, Keith Mills will be provided Monday. Both have been invited to attend and Engineer Smith has confirmed his attendance.

This request and the P&Z Board's recommendation will be heard at a public hearing at the Council meeting of October 6, 2014.

ATTACHMENTS:

- Application for Land Use Amendment & Zoning Changes
- Proposed Ordinance providing for those changes
- Map Location of all properties (radius packet) within 500'
- Map showing "Present and Proposed" for Highway 1
- Table 1-3.2 of Article III District Provisions
- Portion of Article III with Definitions of CG and R/LC flagged
- Advertising "Public Hearing" Florida Today Newspaper
- Memo from Denine to Engineer and Planner
- Comment Sheet from Engineer Smith from

ACTION OPTIONS:

Action to Council

TOWN OF MALABAR
2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 - Telephone
(321) 727-9997 - Fax



Date: 6/30/14

No. _____

APPLICATION FOR LAND USE AMENDMENT
AND ZONING CHANGE

Before completing this application, please refer to the attached:

- General Information
- Section 1-12.5 - Procedures for Adopting, Supplementing or Amending the Land Development Code
- Florida Statutes, Chapter 166.041(c)
- Article III - District Provisions

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s): Kelwill, LLC Telephone #: 321 626-1935
Mailing Address: P.O. Box 587 Grant, FL 32949

Legal description of property covered by application: ATTACHED

Township: _____ Range: _____ Section: _____
Lot/Block: _____, Parcel Subdivision: _____
Other Legal: _____

Property Address: 1300 Highway 1 Malabar FL

- Current and Proposed Comprehensive Plan Land Use Map Designation. The current and proposed Comprehensive Plan Land Use Map designation for the subject property shall be identified: Current: RLC Proposed: CG
- Current and Proposed Zoning. The current and proposed zoning for the subject property shall be identified: Current: RLC Proposed: CG
- Existing and Proposed Use. The existing and proposed use of the subject property shall be stated: Current: RLC Proposed: CG

Fees:

- Rezoning - \$325 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- Rezoning & Land Use Charges - \$625 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.

\$655.00

(*Additional costs may include, but are not limited to engineering fees, attorney fees, etc.)

Required Attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$_____ in check or money order payable to *Town of Malabar*. We do not accept cash or credit cards.
- Radius package from Brevard County P&Z/GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office.

William Carie
Signature of Applicant

Signature of Applicant

TOWN OF MALABAR
APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a rezoning review of the property.

Please complete only one of the following:

I, _____, being first duly sworn, depose and say that I, _____, am the legal representative of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Applicant Date

Applicant Date

Sworn and subscribed before me this _____ day of _____, 20_____.

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____.

I, William J. Carmine, being first duly sworn, depose and say that I, William J. Carmine, am the Owner of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

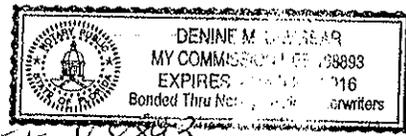
William J. Carmine Applicant 6/30/14 Date

William J. Carmine Applicant 6/5/14 Date

Sworn and subscribed before me this 5 day of August, 2014.

NOTARY PUBLIC
STATE OF FLORIDA

Denine M. Sheeran



Commission No.: March 23, 2016 My Commission Expires: *EE 168893

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



Property Details

General Parcel Information

Parcel ID:	28-38-31-00-00750.0-0000.00	Millage Code:	34Z0	Exemption:		Use Code:	1000
Site Address:	1300 HIGHWAY 1 , MALABAR 32950					Tax ID:	2850966

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:	KELLWILL LLC
Second Name:	
Mailing Address:	P O BOX 587
City, State, Zipcode:	GRANT, FL 32949-0587

Abbreviated Description

Sub Name:	PART OF LOTS 2,3 AS DES IN DB 287 PG 359 EX RD R/W
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Value Summary

Roll Year:	2012	2013	2014
Market Value Total: ¹	\$204,480	\$204,480	\$204,480
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$204,480	\$204,480	\$204,480
Assessed Value School:	\$204,480	\$204,480	\$204,480
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$204,480	\$204,480	\$204,480
Taxable Value School: ³	\$204,480	\$204,480	\$204,480

Land Information

Acres:	3.22
Site Code:	114
Land Value:	\$204,480

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
7137/2345	5/29/2014	\$147,500	WD	01			V
6486/1809	11/11/2011	\$100	QC	11			V
5951/1036	5/5/2009	\$348,500	QC	11			V
5392/1294	11/30/2004	\$575,000	WD	24	03		I
4304/0890	3/6/2001	\$100,000	WD	05	01		I
3398/0342	6/1/1994	\$60,000		99	03		I
2903/1646	5/1/1988	\$100	WD				
2824/0192	7/1/1987	\$100	WD				
2720/1089	8/1/1986	\$0	NN				

ORDINANCE 2014-014

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RECLASSIFYING THE COMP PLAN MAP AND REZONING THE PROPERTY AS FOLLOWS: THE 3.22 ACRE PARCEL IN TOWNSHIP 28, RANGE 38, SECTION 31, LOT 750, LYING ON THE WEST SIDE OF HIGHWAY 1, NORTH OF MALABAR ROAD, AKA 1300 HIGHWAY 1, MALABAR, FLORIDA, FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The property described as follows is hereby re-designated on the land use map and rezoned on the zoning map from *Residential/Limited Commercial (R/LC)* to *Commercial General (CG)* for the property described as follows:

a 3.22 acre site located in Township 28, Range 38, Section 31, Lot 750, Malabar, Florida.

Section 2. The Town Clerk is hereby authorized and directed to cause the revisions to the Land Use Map and Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change set forth above.

Section 3. The effective date of this ordinance shall be immediately following adoption by Council.

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

Council Member Jim Milucky _____
Council Member Wayne Abare _____
Council Member Steve Rivet _____
Council Member Dick Korn _____
Council Member Marisa Acquaviva _____

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this _____ day of _____, 2014.

(seal)

BY:
TOWN OF MALABAR

Steve Rivet, Council Chair

ATTEST:

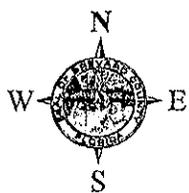
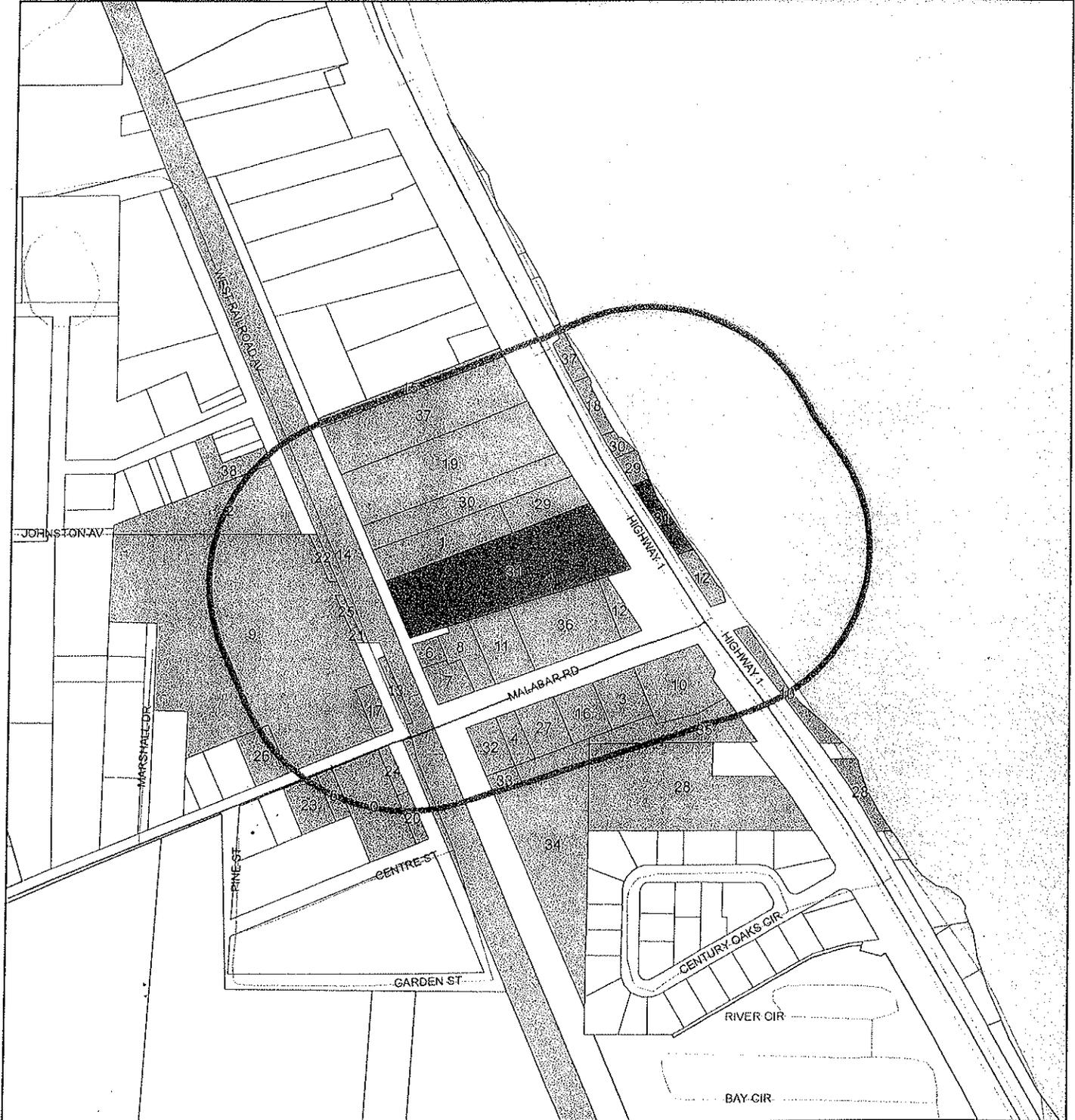
By: _____
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to form and content:

Hearing at P&Z: 9/24/2014
Ord First Reading: 10/06/2014
Second Reading: _____

Karl W. Bohne, Jr., Town Attorney

RADIUS MAP
 NOLA PRIME PROPERTIES LLC
 carmine500



1:4,800 or 1 inch = 400 feet
 Buffer Distance: 500 feet

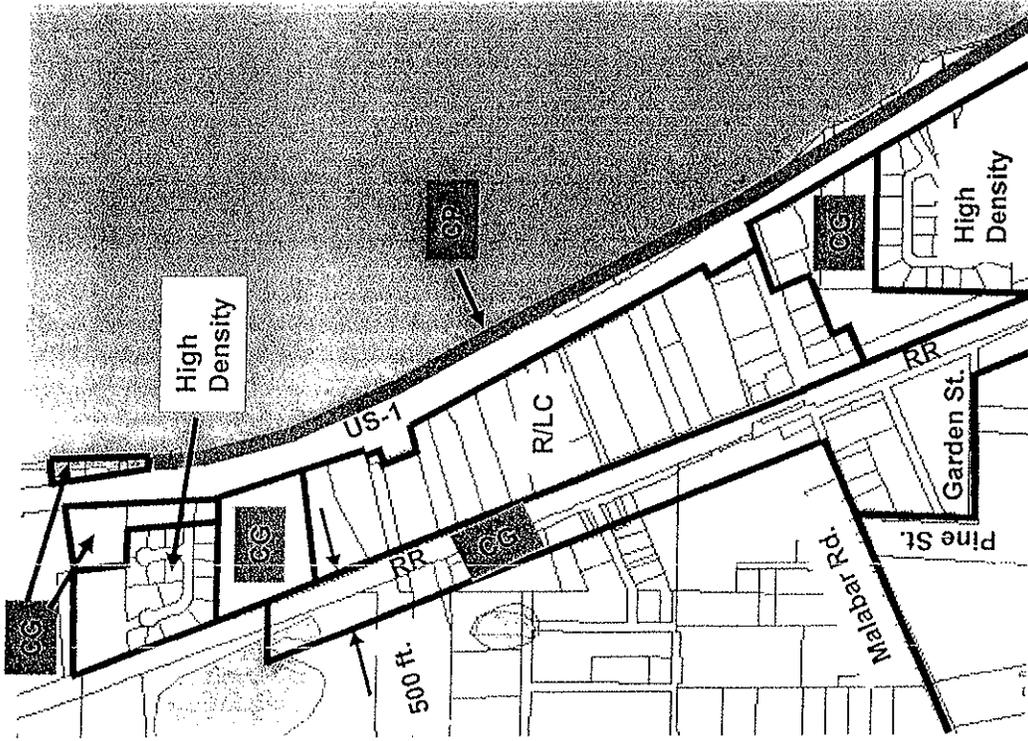
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

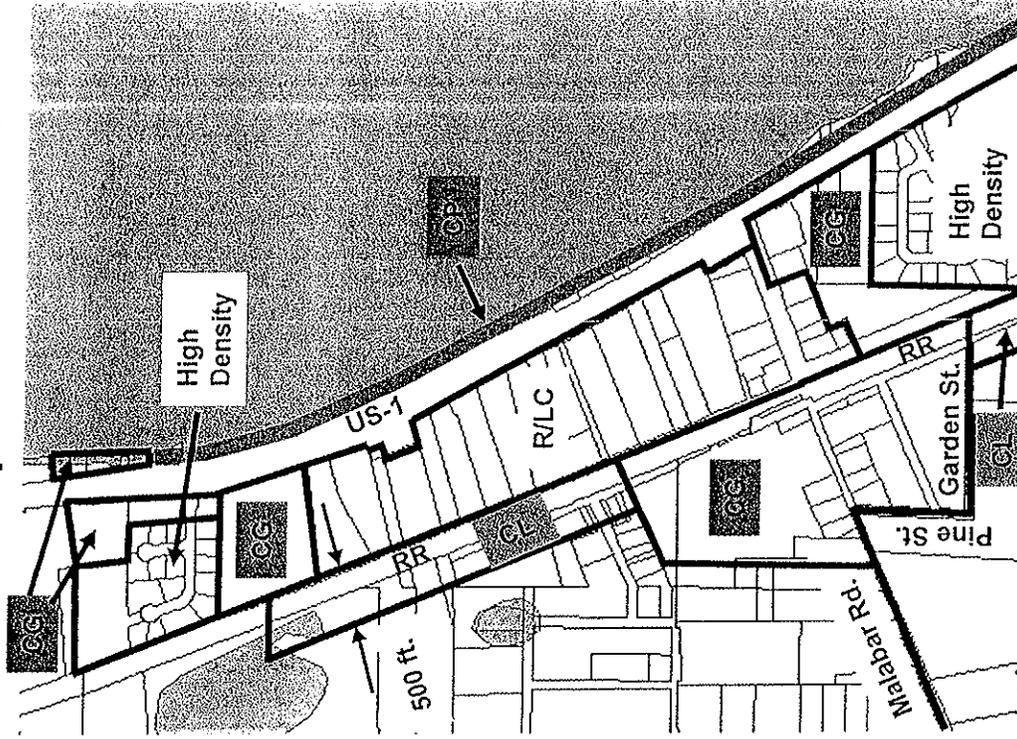
Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 7/21/2014

Land Use Along US-1 (North end of Malabar)

Present Land Use



Proposed Land Use



DISTRICT PROVISIONS

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
AGRICULTURAL ACTIVITIES														
Noncommercial Agricultural Operations	P													
Wholesale Agricultural Activities	P													
Commercial Stables	C													
COMMERCIAL ACTIVITIES														
Adult Activities														
Bars and Lounges										C				
Bed and Breakfast										C				
Business and Professional Offices											P ¹			
Enclosed Commercial Amusement								P	P	P	P	P	P	
Arcade Amusement Center/ Electronic Gaming Establishment										P				
Funeral Homes									P	P	C			
General Retail Sales and Services										P				
Hotels and Motels										P				
Limited Commercial Activities									P	P	P			
Marine Commercial Activities										C*				
Medical Services								P	P	P	P			
Mini Warehouse/Storage									C	P		P		
Parking Lots and Facilities								P	P	P	P		P	
Retail Plant Nurseries									P	P	P			
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)										P				
Service Station, Including Gasoline Sales										P				
Trades and Skilled Services										C*		C*		
Veterinary Medical Services										C*		P		
Veterinary Medical Services								P	P	P	C	P		
Vehicular Sales and Services										C*		P		
Vehicular Services and Maintenance										C*		P		
Wholesale Trades and Services										C*		P		

C = Conditional Use

P = Permitted Uses

A = Accessory Use

* = These uses are permitted only on sites abutting Babcock Street, US 1, and West Railroad Avenue.

1 = Allowing up to 1,000 square feet of a church or educational institution for the housing of a caretaker or security guard serving the church or educational institution. No such use shall be allowed unless administrative approval is granted by the Town.

1 Any Bed and Breakfast which is proposed to have more than five (5) living quarters shall only be approved as a conditional use in accordance with Article VI of the Land Development Regulations.

2 Any Arcade Amusement Center and Electronic Gaming Establishment as defined herein shall only be approved as a conditional use in accordance with Article VI of the Malabar Land Development Code.

(Ord. No. 94-4, § 3, 4-3-95; Ord. No. 97-3, § 2, 3-17-97; Ord. No. 05-01, § 1, 3-7-05; Ord. No. 06-19, § 1, 1-11-07; Ord. No. 12-48, § 2, 1-23-12)

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

- J. *INS "Institutional Services."* The INS district is established to implement comprehensive plan policies for managing institutional development. The district is intended to accommodate public and semi-public facilities such as government administration buildings; fire, police, and rescue services; health care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this district.
- K. *CL "Commercial Limited."* The CL district is established to implement comprehensive plan policies for managing limited commercial development accessible to major thoroughfares near residential neighborhoods. Such development is intended to provide essential household services in locations highly accessible to residential areas. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets:
- Neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional market; or
 - A specialized market with customized market demands.
 - A Malabar Vernacular Style is required for all development along arterial roadways.

Areas designated for limited commercial development are not intended to accommodate large-scale retail sales, services, and trade activities, generally serving a city-wide or regional market. Such stores would usually differ from limited commercial shops since the former would usually require a larger floor area, 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 disposable containers and/or providing drive-in facilities. No residential uses shall be located in the limited commercial district.

- L. *CG "Commercial General."* The CG district is established to implement comprehensive plan policies for managing general commercial development. The general commercial district is designed to accommodate general retail sales and services. Sites designated for CG zoning shall be located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements required by general commercial land use activities.

The general commercial district shall also accommodate commercial trades in strategically designated areas as defined in the conditional use criteria. Development standards within the land development code shall require that site plans incorporate amenities necessary to prevent potential adverse effects on the traffic circulation system, public services, and residential development within the vicinity.

The general commercial district is not intended to accommodate manufacturing, processing, or assembly of goods, sales and services of heavy commercial vehicles and equipment, or related services or maintenance activities; warehousing; uses requiring extensive outside storage; or other activities or trades which may generate

Proposed Zoning
↓

nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration or major fire hazards. Finally, no permanent residential housing shall be located within the general commercial district.

The location and distribution of general commercial activities shall be determined based on the following considerations:

- Trip generation characteristics, impact on existing and plan transportation facilities and ability to achieve a functional internal circulation and landscaped off-street parking system;
- Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation, and floor area requirements;
- Compatibility with and impact on other surrounding commercial activities;
- Relationship to surrounding land uses and natural systems; and
- Impact on existing and planned community services and utilities.
- A Malabar Vernacular Style is required for all development along arterial roadways.

M. *IND "Industrial."* The industrial district is established to implement comprehensive plan policies for managing industrial development. In locating industrial districts, consideration shall be directed to selecting sites accessible to rail facilities, terminal facilities, major arterials, labor markets, and necessary urban services. Industrial districts shall not include residential activities. However, residence for night watchman or custodians whose presence on industrial sites is necessary for security purposes may be approved as an accessory use. Industrial districts shall be accessible to major thoroughfares and shall be buffered from residential neighborhoods.

Any additional industrial zoning shall be consistent with the comprehensive plan, including criteria for siting industrial activities, including but not limited to, policy 1-1.3.1, policy 1-1.3.2, and policy 1-1.3.3.

N. *PUD "Planned Unit Development."* The PUD district is established to implement comprehensive plan policies for managing planned unit development. The comprehensive plan incorporates policies encouraging innovative development concepts, including mixed use development. The planned unit development is intended to provide a voluntary framework for coordinating objectives of developers which may require departures from established public policy. The planned unit development district provides a management strategy for negotiating innovative development concepts, design amenities, and measures for protecting natural features of the land. The management process shall promote public and private coordination and cooperation. The land development code incorporates detailed regulations, standards, and procedures for implementing the planned unit development concept.

The planned unit development district shall be available as a voluntary approach for managing specific development characteristics and project amenities to be incorporated in residential, commercial, industrial or mixed use development. Developers who voluntarily participate in the process shall bind themselves as well as their successors in title to the stipulations within the development order approving the planned unit development district.

O. *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 Residential and Limited Commercial

Present Zoning



development on the Comprehensive Plan Future Land Use Map (FLUM). Such development is intended to accommodate limited commercial goods and services together with 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. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a density up to six (6) units per acre. 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.

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.

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" district with respect to required setbacks and other size and dimension provisions referenced by zoning district in this Code.

(Ord. No. 94-4, § 2, 4-3-95; Ord. No. 07-02, §§ 1—4, 4-2-07)

Section 1-3.2. Land use by districts.

Table 1-3.2 "Land Use by Districts" stipulates the permitted and conditional uses by district.

Permitted uses are uses allowed by right provided all applicable regulations within the land development code are satisfied as well as other applicable laws and administration regulations. Conditional uses are allowable only if approved by the Town pursuant to administrative procedures found in Article VI. The applicant requesting a conditional use must demonstrate compliance with conditional use criteria set forth in Article VI.

No permitted use or conditional use shall be approved unless a site plan for such use is first submitted by the applicant. The applicant shall bear the burden of proof in demonstrating



Sent Via Email:kcicala@floridatoday.com

August 29, 2014

Kathy Cicala, Phone: 321-242-3832; FAX: 321-255-0350
Florida Today, Legal Advertising

Please place the following legal ad two (2) time on **September 11 and 25, 2014**. Please put the heading in **BOLD** font. Please send proof to:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

Thank you,
Debby Franklin
Debby K. Franklin
Town Clerk

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARING**

The Town of Malabar Planning & Zoning Board will hold a public hearing on September 24, 2014, at 7:30 p.m., and the Town Council will consider the request on October 6, 2014 at 7:30 p.m. at the Town Hall, 2725 Malabar Road, Malabar, Florida, to hear interested persons regarding a Land Use and Zoning Change requested by applicant KellWill, LLC.

Ordinance 2014-14

An ordinance of the Town of Malabar, Brevard County, Florida, reclassifying the comp plan map and rezoning the property as follows: The property is the 3.22 acre parcel lying in Township 28, Range 38, Section 31, Lot 750, lying on the west side of Highway 1, north of Malabar Road, aka 1300 Highway 1 from Residential/Limited Commercial (R/LC) to Commercial General (CG); providing for amendment to the official zoning map; providing for an effective date.

A copy of the request is available in the Clerk's Office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may appear and be heard at these meetings.

Debby K. Franklin, Town Clerk

If you received this notice then you are listed as a property owner, as shown in the records of Brevard County Property Appraiser's office, within 500' of the property involved in the application. This Notice is provided as required by Malabar Land Development Code, Article XII, Section 1-12.2.E.8.

TOWN OF MALABAR

MEMORANDUM

Date: September 15, 2014 14-AABO-022

To: ~~Roger Coutier, Building Official~~
Morris Smith, Town Engineer
Keith Mills, Town Planner
~~Christopher Robinson, Fire Chief~~

From: Denine M. Sherear, Administrative Assistant to the Building official

Ref: Kellwill, LLC- Mr. Willy Carmine Application to Change Zoning & Land Use

The Applicant KellWill, LLC has applied to change the Zoning and Land Use from Residential /Limited Commercial (R/LC) to Commercial General (CG) to have a Commercial Business for the sale and repair of motorsports located at 1300 Highway 1, Malabar.

The property is currently zoned R/LC which is Residential /Limited Commercial. There is 3.22 acres on this parcel.

Mr. Carmine presently has an existing business located at 5110 South US Hwy 1 in Grant, FL called Route 1 Motorsports, where he leases the building. Mr. Carmine is a long time resident of this area and would like to move his business to Malabar along with his current business in Malabar called Malabar Mo's.

Mr. Willy Carmine aka KellWill, LLC will represent himself.

The property is located at: 1300 Highway 1, Malabar FL 32950

Attached please find:

- Land Use Amendment and Zoning change Permit Application -(2 pages)
- Brevard County Property Appraisers Information (1 pages)
- Public Notice verbiage (2 pages)
- Portion of Town of Malabar Zoning map (1 pages)
- Radius Map for 500' from 1300 Highway 1 (3 page)
- Warranty Deed / Legal Description
- Article III District Provisions
- Photo of Signage posted
- Review sheets for comments

The Building Official has requested a turnaround time of five (5) business days for staff review of application. Please provide your comments to this office within that time frame and we will forward them to the applicant accordingly.

We appreciate your cooperation with our process.

Town of Malabar
BUILDING DEPARTMENT REVIEW SHEET

PLEASE RETURN ATTACHED SITE PLAN(S)

PROJECT:	Zoning & Land Use Change from R/LC to Commercial 1300 Highway 1 Malabar, FL	DATE ROUTED:	9/___/2014
BP.:	n/a	DATE TO BE RETURNED*:	09/17/2014
APPLICANT	Willy Carmine WillKell, LLC 321-626-1835	DEPT.:	<input checked="" type="checkbox"/> MORRIS SMITH, TOWN ENGINEER KEITH MILLS, TOWN PLANNER CHRISTOPHER ROBINSON, FIRE CHIEF ROGER CLOUTIER, BUILDING OFFICIAL

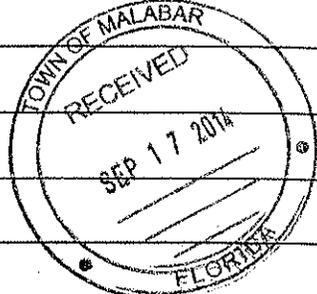
MARK IF NO COMMENTS: <input checked="" type="checkbox"/>	REVIEWER'S SIGNATURE: <i>Willy Carmine</i>
---	---

PLEASE RETURN WITHIN 5 BUSINESS DAYS

TOTAL HOURS WORKED ON REVIEW: 2

Included:

COMMENTS: *No Adverse Comments*



**TOWN OF MALABAR
PLANNING AND ZONING**

**AGENDA ITEM NO: 3
Meeting Date: September 24, 2014**

Prepared By: Debby Franklin, Town Clerk

SUBJECT: Request to Vacate 375' of Fins Lane ROW Between Malabar Road and Hall Road: Applicants Federico & Teresa Calderon.

BACKGROUND/HISTORY:

Mr. & Mrs. Calderon own three 1.5 acre lots on the north end of Fins Lane as depicted in the attached drawing as parcels 70, 65 and 66. They are requesting the Town vacate the 200 feet between their parcels 65 and 66 and the next 175 feet south of that between parcels 70 and 78. That will leave a 50 foot wide by 25 foot long right-of-way at the south end of those parcels so the Calderon's and owners of parcel 78 can access their lots from Fins.

They were granted a variance to only improve Fins Lane from its current Fins Lane terminus (approximately 75' south of their property line) north to a point 25 feet north of the south boundary of parcel 70. The BOA looked at the two vacant lots on Sandy Creek Lane (parcels 40 and 50) and determined that both lots could be accessed from the current terminus of Sandy Creek Lane. There was much discussion by the public at the BOA meeting about the negative impact to drainage if another house is built with access from Fins Lane. The BOA Chair and the Attorney both stated that stormwater and drainage issues are not within the jurisdiction of the BOA and both SJRWMD and DEP have sole jurisdiction on drainage and stormwater related to development. The Herndon's hired an environmental consultant and his report is in their property file. The St. Johns River Water Management District (SJRWMD) has jurisdiction of wetlands within a right of way and Mr. and Mrs. Calderon are prepared to comply with their requirements. As a result of this permitted work the water in the creek should actually flow better.

The provisions in the code regarding vacate requests have been followed and the applicants have submitted the application fee. Town staff have advertised the legal notice and sent copies to all property owners within 500 feet. The Town Engineer made the comment that if the Calderon's had to improve from the terminus of Fins Lane north to the furthest point of parcel 65 Sandy Creek would soon become a collector similar to Eva Lane. If the Calderon's had to improve from the terminus of Sandy Creek Lane south to the furthest point of parcel 70 Fins Lane would become Sandy Creek Lane.

If the 375 feet of right of way is vacated the Calderon's taxable property would increase by 18,750sf or .43 of an acre so the Town will benefit in that way. Also the vacate will prevent Sandy Creek Lane from becoming a collector. The Town's rural character is maintained by approving the vacate and allowing the applicants to join the parcels into one 4.63 acre ranchette.

ATTACHMENTS:

- Calderon Vacate Application, Petition and cover letter
- Copy of Survey showing subject ROW
- Property Appraiser's Radius map showing incorrect right of way line
 - 500' radius, list of properties and notice sent via mail
- Figure 1 and 4 from Environmental Assessment, showing drainage through property
- Memo to Council from then Town Engineer Bill Stephenson re: the build short
- Letter from owners of parcel 48 on Fins Lane
- Minutes from P&Z mtg 6/25/14

ACTION OPTIONS:

Action to Council

TOWN OF MALABAR
2725 Malabar Road
Malabar, FL 32950
Tel. 321-727-7764 FAX 321-722-2234



APPLICATION TO VACATE AND ABANDON PUBLIC RIGHT-OF-WAY

Before completing this application, please refer to Ordinance 01-06, attached.

This application must be completed, with required attachments, and returned to the Town Clerk's office.

Name of Applicant(s) Federico & Theresa Calderon Tel 321-549-7401

Mailing Address: 1075 Glencove Av, Palm Bay FL 32907

Legal description of public right-of-way covered by application:

Township 29, Range 37, Section 2, Lot/Block ,

Subdivision , Street Name

Other Legal Parcels 65, 66, 70

Required attachments:

- Petition to vacate
- Application fee of \$425 which includes advertising, administrative time and mailing. Any additional costs may include, but are not limited to, engineering fees, attorney fees, etc., and shall be paid by the applicant.
- Map of the total area of the public right-of-way.
- List of names, addresses and tax parcel numbers of property owners within 500 feet of the total length of the subject public right-of-way as prepared by a county office with access to public records, i.e. Brevard County GIS division of the Planning and Zoning Department (321-633-2060).

Federico Calderon
Theresa Calderon
Applicant(s)

8/25/14
8/25/14
Date



TOWN OF MALABAR
2725 MALABAR ROAD
MALABAR, FLORIDA 32950-4427
3321-727-7764

PETITION FOR VACATING OF RIGHT-OF-WAY

Before completing this application, please refer to the attached.
-Petition for vacating right-of-way procedure
-Ordinance 01-06

This application must be completed, with required attachments, and returned to the Town Clerk's Office.

Name of Applicant(s) Federico & Theresa Calderon Telephone # 321-549-7401

Mailing Address 1075 Glenrove Av, Palm Bay FL 32907

Reason for Request To keep the rural feel of the area by keeping Sandy Creek Ln and Gins Ln dead-end roads.

List of Property Owners Abutting said Public Right-of-Way:

Mr. and Mrs. Wilfredo Carrasco, 2005 Eva Ln, Malabar FL 32950,
Tax ID 2922478

Fees: \$425.00, which includes advertising, administrative time, mailing and initial review by the Town Engineer and Town Attorney. Any additional costs shall be paid by the applicant.

[Signature]
[Signature]
Signature of Applicant(s)

8/25/14
8/25/14
Date

September 8, 2014

Town of Malabar, Florida

To Whom It May Concern:

This letter is intended to explain the reasons for requesting to vacate the road right of way between Sandy Creek Ln and Fins Ln. There are three main reasons: preservation of the natural landscape, combining our 3 lots (tax IDs 2922466, 2922465, and 2922470) into one, and making both Sandy Creek Ln and Fins Ln dead end roads.

Preserving Malabar Natural Resources

One of the reasons we desire to move into the Malabar area is the natural beauty of the trees, wild life, and rural feel. Our dream is to build a home with a small farm. The unique nature of the property is that it has different kinds of trees, creeks and great vegetation which makes it a great habitat for raising animals.

Combining all Three Lots

As of the date of this letter, only two lots have been combined (tax IDs 2922465 and 2922470). Upon approval of this petition and once our home is built, we intend to “marry” all 3 lots to make it into a single lot. Not only would this increase the surface area of usable land for farming, but would also help preserve the existing wild life.

Road Access to North Lots

There is no need to connect Sandy Creek Lane to Fins Lane in the case housing development were to take place for lots tax ID 2922440 and 2922450, which are located north of our lots (tax IDs 2922466 and 2922465). The main reason being that access to those lots can be achieved directly through Sandy Creek Lane.

Please refer to the below figure for a pictorial explanation of the above points.

Sincerely,

Federico and Theresa Calderon

1075 Glencove Av, Palm Bay, FL 32907

321-549-7401 | fedcalderon@gmail.com

TOWN OF MALABAR - VACATE REQUEST
(Page 2)

The undersigned submits as grounds and reasons in support of this request to vacate the following right of way:

Description: (can submit on separate paper)

- Length
- Width Adjacent to Parcels ~~6466200~~
- In Township 27, Range 37, Section 2, and Lot/Block _____.

→ Between Parcels with TAX IDs { 2922465 and 2922466, 50' x 200' }
{ 2922470 and 2922478, 25' x 200' }

I, Federico and Theresa Calderon, being first duly sworn, depose and say that, the property described, which is the subject matter of this application and the owner of 3 of the 4 adjacent parcels; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Federico Calderon
Signature of Applicant(s)

8/26/14
Date

Theresa Calderon
Signature of Applicant(s)

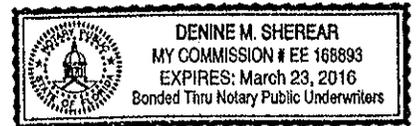
8/26/14
Date

Sworn and subscribed before me this 26 day of AUGUST, 2014.

Notary Public, State of Florida
Commission No. EE 168893 My Commission Expires MARCH 23, 2016

Notary Denine M. Sherear

Name Printed Denine M. Sherear



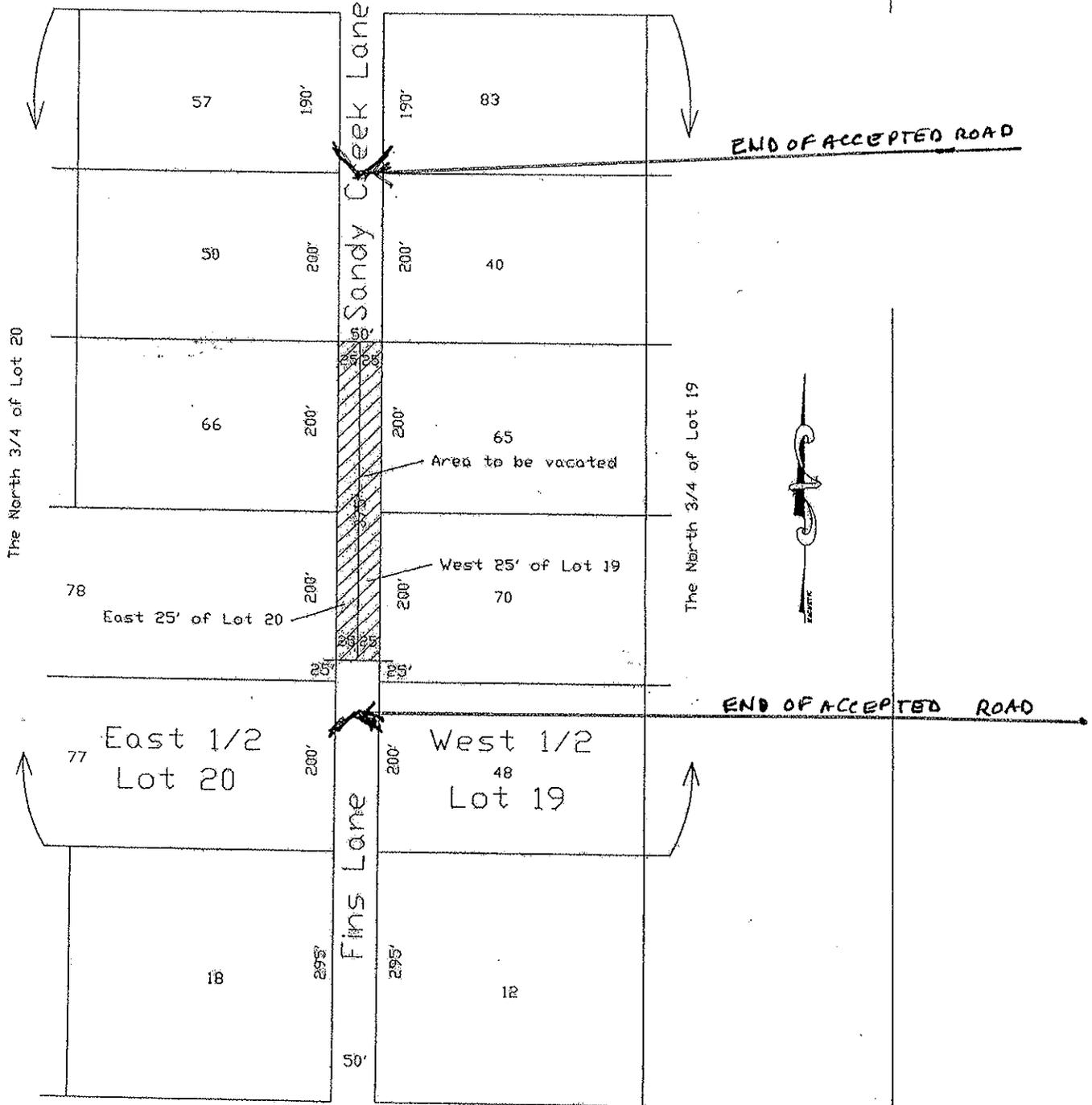
Sketch of Legal Description

LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED:

The west 25 feet of the north 375 feet of the south 600 feet of the north 3/4 of Lot 19, Section 2, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company, according to the plat thereof, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida.

Together with:

The east 25 feet of the north 375 feet of the south 600 feet of the north 3/4 of Lot 20, Section 2, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company, according to the plat thereof, as recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida.



Surveyors Notes:
This is not a survey

Hall Road

CERTIFICATION
HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61N7, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Craig S. McKinnon

CRAIG S. MCKINNON
FLORIDA REGISTERED LAND SURVEYOR # 5057

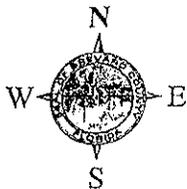
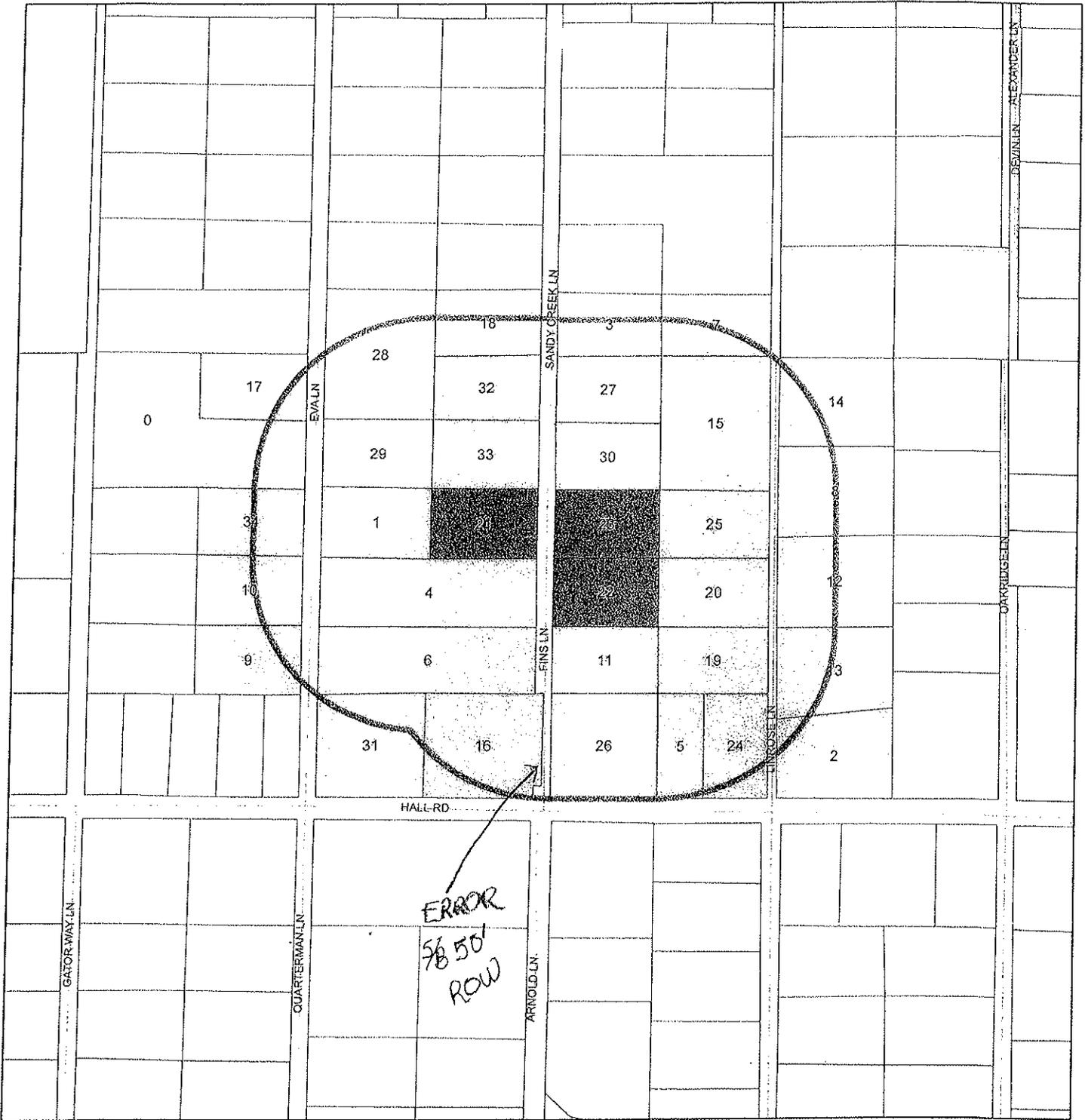
SKETCH IS NOT VALID UNLESS IT IS EMBOSSED WITH SURVEYOR'S SEAL

**CRAIG S. MCKINNON
LAND SURVEYING**

1980 MARIE STREET
MALABAR, FLORIDA 32960
(824) 724-8267

DATE: September 7, 2014 FIELD BOOK: PAGE: SCALE: Not to Scale

RADIUS MAP
 MC QUIGGAN, RICHARD W JR
 calderon500



1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 6/27/2014

VAJANYI, ANDREW J
VAJANYI, ROBIN P H/W
1945 EVA LANE
MALABAR FL 32950-0000

VAJANYI, ANDY J
VAJANYI, ROBIN L H/W
1945 EVA LANE
MALABAR FL 32950-0000

VAJANYI, JOHN P
1230 HALL ROAD
MALABAR FL 32950-0000

VAJANYI, JOHN P TRUSTEE
1230 HALL RD
MALABAR FL 32950-0000

VAN NGUYEN, RYNA
NGUYEN, ANH T
349 EMERSON DR NW
PALM BAY FL 32907-0000

CALDERON, Federico

ARNEZ, GONZALO JULIO
ARNEZ, JANET MARIE H/W
1940 EVA LANE
MALABAR FL 32950-0000

ARTIGAS, ALISA
1965 EVA LANE
MALABAR FL 32950-0000

CAMPBELL, MARY K
CAMPBELL-LINDEKE, MARY T ETAL
91 FOREST DALE RD
MINNEAPOLIS MN 55410-0000

CARMEAN, RANDY L
CARMEAN, SHARON L H/W
1885 SANDY CREEK LANE
MALABAR FL 32950-0000

CARRASCO, WILFREDO W
CARRASCO, LAURA F H/W
2005 EVA LANE
MALABAR FL 32950-0000

DARBY, JAMES A
1360 HALL RD
MALABAR FL 32950-0000

DOYLE, BRENT R
2055 EVA LN
MALABAR FL 32950-0000

DUBINER, MICHAEL
P O BOX 173859
DENVER CO 80217-0000

ECKOLS, MARIA NOON
2010 OAK RIDGE LANE
MALABAR FL 32950-0000

HEID, COLETTE M
P O BOX 500097
MALABAR FL 32950-0097

HEID, COLETTE M
HEAN, RICHARD C R
P O BOX 500097
MALABAR FL 32950-0097

HERNDON, MATTHEW
HERNDON, BRITNEY H/W
2035 FINS LN
MALABAR FL 32950-0000

HOENE, DAVID D TRUST
P O BOX 1064
CASCADE ID 83611-1064

HOENE, DAVID D TRUSTEE
045 LINROSE LANE
MALABAR FL 32950-0000

HOENE, MARK E
DECKER, MARY L
2923 SMOKY LANE
BILLINGS MT 59102-0000

JONES, BOBBY G
1950 LINROSE LN
MALABAR FL 32950-0000

EMPFER, EDWIN V
P O BOX 500747
MALABAR FL 32950-0747

LIFTER, BRUCE A
LIFTER, YOLANDA E H/W
1920 EVA LANE
MALABAR FL 32950-0000

MALLETT, MARILYN J
49 LEVEL LANE
TEWKSBURY MA 01876-0000

CLELLAND, CHARLES D
50 LINROSE LN
MALABAR FL 32950-0000

MC QUIGGAN, PAUL D
63 PATTYS RD
MANSFIELD MA 02048-0000

MC QUIGGAN, RICHARD W JR
MC QUIGGAN, PAUL D
63 PATTYS RD
MANSFIELD MA 02048-0000

LER, PHILLIP S
10 HALL RD
LABAR FL 32950-3213

NOLIS, JOSEPH
NOLIS, DAYLA M H/W
4545 COREY RD
MALABAR FL 32950-4312

PORTS, DEREK K
PORTS, BRIDGET A H/W
1340 HALL RD
MALABAR FL 32950-0000

STER, BETTY
5 SANDY CREEK LANE
LABAR FL 32950-0000

calderon500
Page2

RUSH, DAVID CHARLES
RUSH, LINDA SCIROCCO H/W
1925 EVA LANE
MALABAR FL 32950-0000



Sent Via Email:kcicala@floridatoday.com

September 10, 2014

Kathy Cicala, Phone: 321-242-3832; FAX: 321-255-0350
Florida Today, Legal Advertising

Please place the following legal ad one (1) time on **September 18, 2014**. Please put the heading in **BOLD** font. Please send proof to:

Town of Malabar
2725 Malabar Road
Malabar, Florida 32950

Thank you,
Debby Franklin
Debby K. Franklin
Town Clerk

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARING**

The Town of Malabar Planning & Zoning Board will consider a right of way vacate request and make a recommendation to Council on September 24, 2014, at 7:30 p.m. The Town Council will hold a public hearing on the request and consider Planning & Zoning Board's recommendation on October 6, 2014 at 7:30 p.m. at the Town Hall, 2725 Malabar Road, Malabar, Florida. Council will hear interested persons regarding Vacate of Right of Way on Fins Lane requested by applicants Frederico & Theresa Calderon.

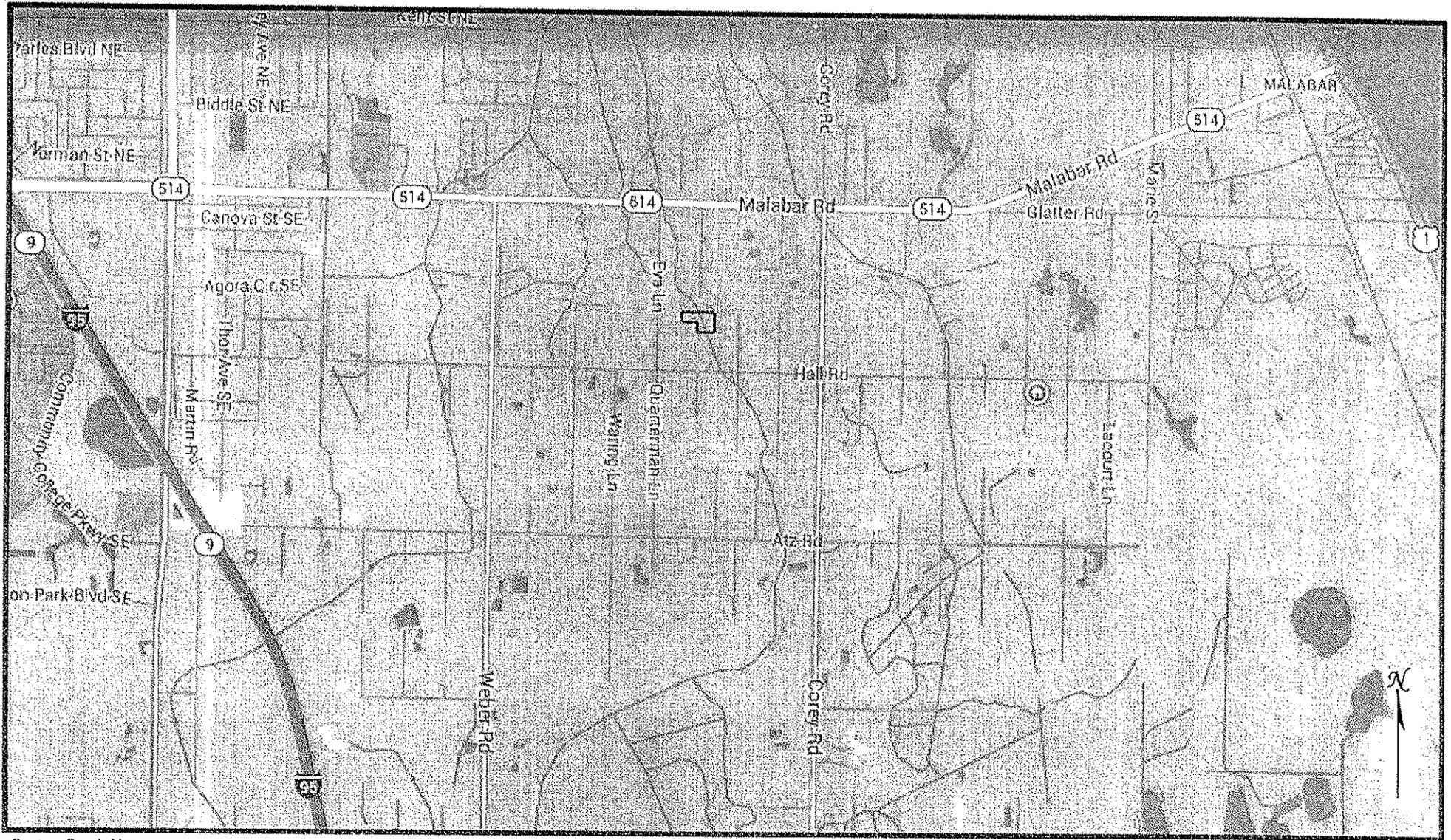
Resolution 25-2014

A resolution of the Town of Malabar, Brevard County, Florida, vacating and abandoning the 200 feet of Right Of Way known as Fins Lane adjacent to and between parcels: Township 29, Range 38, Section 2, Lots 66 and 65 and the northern 175 feet adjacent to and between parcels 78 and 70 for a total of 375 feet of Fins Lane Right of Way:maintaining the southern 25 feet of Right of Way between Parcels 78 and 70 to allow access to both lots, the zoning is Rural Residential (RR-65); providing for an effective date.

A copy of the request is available in the Clerk's Office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may appear and be heard at these meetings.

Debby K. Franklin, Town Clerk

If you received this notice then you are listed as a owner of property, as shown in the records of the County Property Appraiser's office, within 500' of the referenced site



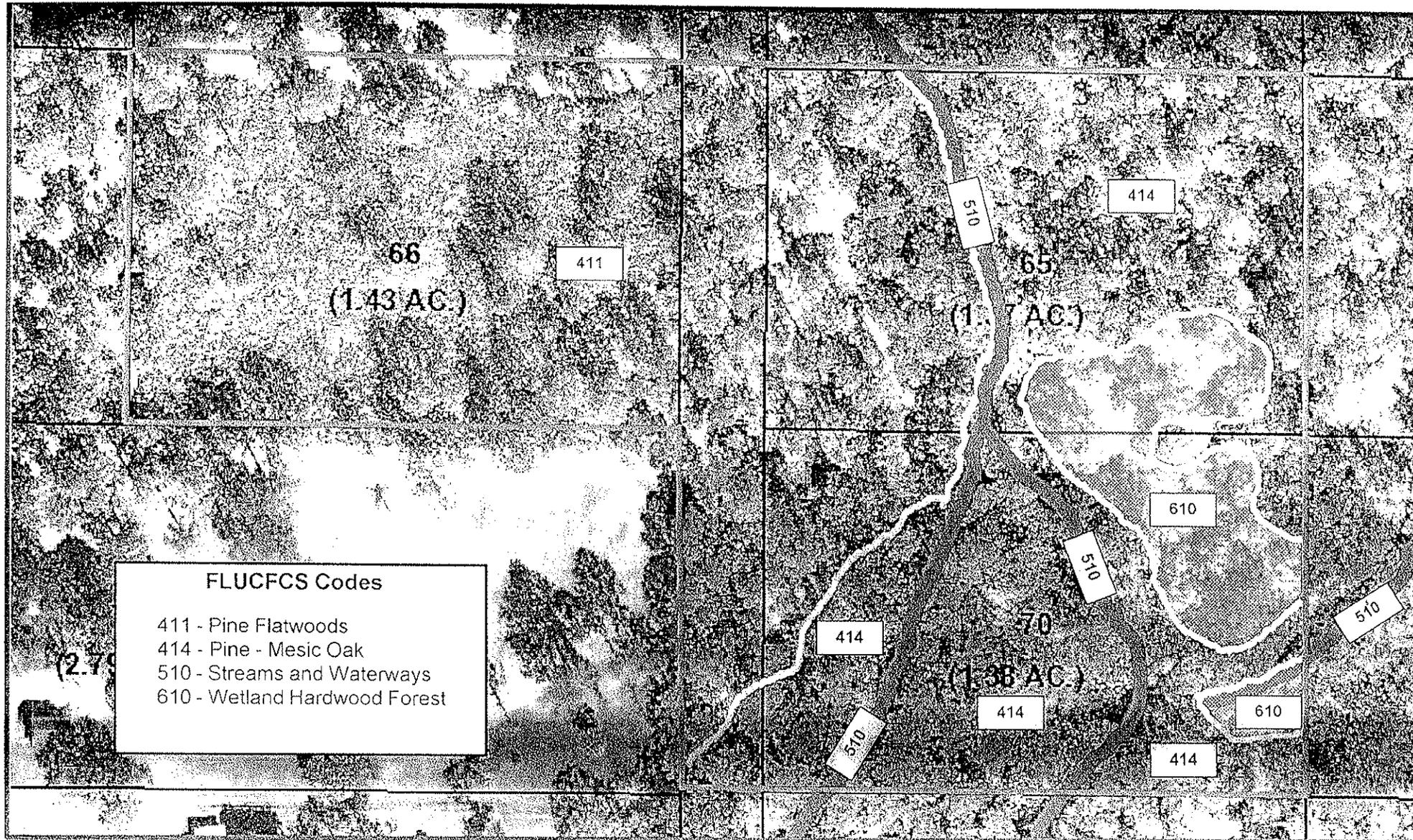
Source: Google Maps



FIGURE 1 - LOCATION MAP
CALDERON SITE ASSESSMENT - ACES FILE NO. 1467

 - Project Site

ANDREW KONKLIN ENVIRONMENTAL SERVICES, LLC P.O. Box 500407, MALABAR, FLORIDA 32950 PHONE: (321) 848-1143 FAX: (321) 676-4651 ACESLLC7@GMAIL.COM



Source: Brevard County Property Appraiser; Codes referenced to the Florida Land Use Cover and Forms Classification System

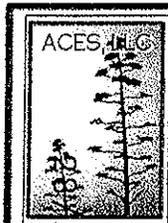


FIGURE 4 - ENVIRONMENTAL SURVEY MAP
CALDERON SITE ASSESSMENT - ACES FILE NO. 1467

- Project Boundary

- Community Boundaries

- Ditches (FLUCFCS Code No. 510)

- Wetlands



Memo to: Town Council and Ed Booth, Town Administrator

From: Bill Stephenson



Date; September 25, 2006

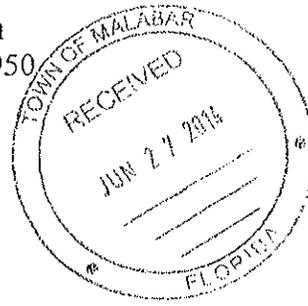
Subject: Malabar acceptance of improved roadway, Mussel Shoals Lane,
north of Hall Road

I have examined the "As Built" drawings prepared by Craig McKinnon, the soils test reports prepared by Atlantic Testing Labs, Inc. and the work accomplished by Aquatic Technologies. The work complies with the Town Code with the following exceptions authorized by the Town Administrator:

1. The roadway width is substandard by one or two feet due to a survey error on the approved plans and the decision to save decorative trees.
2. The roadway north end terminates approximately 75' south of the applicant's north property line to avoid removal of large trees.

I recommend the Town Council authorize the acceptance of the completed roadway, Mussel Shoals Lane, for operation and maintenance.

Mr. & Mrs. Matt Herndon
2035 Fins Lane ~ Malabar, FL 32950
(321) 394-1239



June 27, 2014

Town of Malabar
Attn: Bonilyn Wilbanks, Town Administrator
2725 Malabar Road
Malabar, FL 32950

Ms. Wilbanks,

Please notify us immediately of any action being taken on Fins Lane in Malabar, FL.

We have notified Planning & Zoning and our District Councilman that we do not approve of extending Fins Lane. It was recommended that we ask you in writing to notify us of any action taken on Fins Lane. It was also recommended that we let the Board of Adjustments, Building Department and all Councilmen know in writing that we believe the better option would be to extend Sandy Creek Lane. Our concerns include drainage, safety and the old oak tree that is currently at the end of Fins Lane. In 2006, the Town Council agreed to save the oak tree and not block the ditch at the end of Fins Lane.

We will also be requesting an agenda item be added to the next Council meeting, asking to vacate the right away at the end of Fins Lane.

If it is more convenient for you, we would be happy to meet with you on a weekly basis to get an update on Fins Lane.

We may be reached at (321) 394-1239. Thank you in advance for you cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt & Brittney Herndon". The signature is stylized and cursive.

Matt & Brittney Herndon

✓ Cc: Steve Rivet, Malabar Town Council, District 3
Town Council Chairman

Portion of Approved Planning & Zoning Minutes of 6/25/14

Public:

Bridget Ports 1340 Hall Road, said she has some questions and concerns about a home development that is going to be 3 acres behind 2035 Fins Lane. She said they (new properties owners) are planning to extend the road (Fins Lane) and blocking off the drainage and taking out big trees. Bridget said that there is already a drainage problem there and all the water that comes down Hall Road comes into her driveway at 1340 Hall Road and goes out back of her house and there is a huge "oil slick" that comes down the side of her house between 1360 & 1340 Hall Road.

Bridget said she is concerned that where they (new property owners) want to build their house it is going to cause drainage issues. When she (Bridget) came here 20 years ago they were told that the only lots that had access off of Hall Road were the lots behind 1340 Hall Road and the rest of the lots had to come off Sandy Creek Lane. Bridget wanted to know what can be done to stop them (new property owners) from coming down Hall Road & Fins Lane. There is just no access for more traffic to come down that way and the road is not wide enough & not built for more traffic.

Reilly asked if Fins Lane is developed to the front edge of property, or the whole length. Mrs. Herndon responded that it is not the full length.

Bridget said that there is a creek with drainage & we have it on our survey of our property of where the drainage goes out to Turkey Creek. Bridget also said if you come to her property when it rains that her pasture is full & the drainage ditch, the rain pours off Hall Road into her property. We have replaced our driveway about 6 times. Bridget said when & if they (new property owners) build and the permits are pulled, she hopes they have to come off Sandy Creek Lane, because that is the way it was supposed to be.

Reilly asked if she talked to the Town Staff. Bridget responded, yes. Bridget said that Mrs. Herndon had paperwork that the Oak tree has to be saved to preserve the trees in the Town of Malabar, a builder told them that they are going to come through & plow the tree down. Bridget said the comment was made to everyone is that if they have money they can do what they want,

Matt Herndon 2035 Fins Lane said he wanted to follow up with what Bridget said. Mr. Herndon explained that he stopped his road at 90% approx. 530 feet from Hall Road to his property. The reason he did not continue the road is that he did not want to take down any more trees or mess with the drainage. He explained that there are concerns with the drainage, even his house was built up to today's code 8 years ago and he still has drainage problems even though he followed the Town's proper drainage plan. Mr. Herndon's concerns are that they were told when the lots were sold beyond their property they would come in through Sandy Creek Lane, it is set up for two way traffic, Fins Lane is not and there is already drainage tied in all the way to Malabar Road, easier access to get rid of the water on Sandy Creek Lane.

Mr. Herndon's other concerns are that they were required to put pipe in at the beginning of Fins Lane, that is tied in to nothing, so there is standing water. Mr. Herndon said sometimes they repaired the road themselves. Mr. Herndon is concerned with the increase of traffic and the existing drainage issue this is going to create more problems by extending Fins Lane when the

(Con't) Portion of Approved P&Z Minutes of 6/25/14

new property owners could come in Sandy Creek Lane which is already set up for two way traffic and drainage.

Reilly said that they will note to have Town Engineer look at the option of Sandy Creek Lane. Mr. Herndon said he just wanted to voice his opinion on this matter.

Mr. Herndon said that his neighbor to the west of him did not give 25 ft of right of way. Mr. Herndon also stated that the proposed new property owners only want to extend the road 30 to 40 feet just to gain access to their property. Mr. Herndon said that he was required to build the road to the end of his property. They (new property owners) should be held to same standards.

Mr. Herndon said that he does not get paid back for any portion of the road he built. Reilly said that shouldn't be you should get reimbursement. Mr. Herndon said he was told by Debby at the Town that was not the case. Reilly asked what year he built his house. Herndon replied 2007.

Krieger asked Mr. Herndon if he spoke with his district Councilman Representative. Mrs. Herndon said that they have made a request. Krieger said to the best of his knowledge the road development code changes often and to get a copy of the current Ordinance for the requirements for a new property owner to develop a road.

Reilly suggested to Mr. Herndon to have a meeting with Bonnie, the Town Administrator. Ryan said to go to the Town of Malabar.org and everything in Code is available there.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4

Meeting Date: September 24, 2014

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

SUBJECT: Off-Street Parking and Contiguous Parking

BACKGROUND/HISTORY:

At the 9/10/2014 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**

**UPDATED @ P & Z
MEETING ON 9/10/14**

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 approval has been granted by Town Council.**

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 **Dwellings**.* Two (2) spaces for each family unit, plus one (1) visitor space for each two (2) units.

4.

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.

5.

*Mobile Home **Parks** or Courts.* Two (2) spaces per unit; one (1) must be at lot site.

6.

Mobile Home Subdivisions. Two (2) spaces for each mobile home unit at the site.

7.

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.
15. *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.
16. *Retail Sales Stores.* One (1) space for each two hundred (200) square feet of retail floor space.
17. *Restaurants and Lounges.* One (1) space for each one hundred (100) square feet of gross building area.
18. *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.

Non-Contiguous Parking Spaces are not allowed unless proper engineering and approved safety standards are implemented. The Planning and Zoning Board will review and make recommendation to Town Council for approval. In 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.

8.

*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.~~



*****THIS IS WHERE THE P&Z BOARD STOPPED ON 9/10/14

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

UPDATED @ P & Z

MEETING ON 9/10/14

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.

On- Site 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: 5
Meeting Date: September 24, 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 9/10/2014.

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 9/24/14 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: 6
Meeting Date: September 24, 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.**