



**TOWN OF MALABAR**  
**PLANNING AND ZONING**  
**AGENDA ITEM REPORT**

AGENDA ITEM NO: 1  
Meeting Date: OCTOBER 8, 2014

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

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SUBJECT: Approval of Minutes

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**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

Draft minutes of P&Z Board Meeting of September 24, 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  
SEPTEMBER 10, 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, EXCUSED
	DON KRIEGER
	GRANT BALL
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

**C. ADDITIONS/DELETIONS/CHANGES:**

Reilly said that Bud Ryan is excused. Reilly said that George Foster will vote in place of P& Z Member Bud Ryan.

**D. CONSENT AGENDA:**

- Approval of Minutes** Planning and Zoning Meeting – 7/9/2014  
Planning and Zoning Meeting – 8/13/2014

<b>Exhibit:</b>	Agenda Report No. 1
<b>Recommendation:</b>	Motion to Approve

Motion: Ritter/ Krieger to Untable the Minutes of 7/9/14 All Vote: All Ayes

Motion: Krieger/Ritter to Approve corrected minutes of 7/9/2014

Corrections:

Krieger said his name was spelt wrong need to correct.  
Page 4/30 1<sup>st</sup> parag. 4<sup>th</sup> line down absences-should be absence

All Vote: All Ayes

Motion: Ball/ Ritter to Approve corrected minutes of 8/13/2014

Corrections:

Ritter, page 10/30 2<sup>nd</sup> parag from bottom second line ... just like to do a minimum.... (Add to)

All Vote: All Ayes

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

- 2. Continue Discussion re: Off-Street Parking and Contiguous Parking
  - Exhibit: Agenda Report No. 2
  - Recommendation: Discussion

The Board discussed Article IX "Off Street Parking & Internal Traffic Circulation" Section 1-9.1 Applicability, and suggested to relocate the verbiage dealing with Non Contiguous Parking. Reilly explained that this section is a preamble for the whole section of "Off Street Parking".

Ritter and Board suggested moving the "Non Contiguous Parking" Spaces to section 1-9.3 and making it #7 and change #7 to #8. Also, in #6 of Section 1-9.3 take out Location of and and Non Contiguous Parking.

The Board discussed the verbiage of the Parking Sections IX and discussed extensively and made appropriate suggestions and corrections.

Foster asked for a formal definition of "Staff" when discussed in Code Book.

Ask Roger about #5 on page 19/30 PZ 9/10/14.

The Board reviewed up to Section 1-9.5 (#5).

The Board discussed Article XX Definitions of "Parking" for clarification and added definitions for "Parking".

- 3. Continue Discussion re: 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

No Discussion

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

Nothing

I. PUBLIC

Juliana Hirsh 1035 Malabar Road, Malabar FL said that the definition of "staff" needs to be clarified. The parking should be up to Building Official to make sure that it is all up to Code.

J. OLD BUSINESS/NEW BUSINESS:

Old Business:

Ball asked about taking Board Minutes and legal opinion from Attorney. Reilly said it will be discussed at the beginning of next meeting.

New Business:

Sherear told Board about two Public Hearings coming before them at the September 24<sup>th</sup> meeting

- Fins Lane Vacate of right of way
- Willy Carmine, owner of Malabar Mo's for a Land Use /Zoning change on Highway 1.
- Also, Application for Assisted Living Facility was submitted for Conditional Use & Preliminary Site Plan Review (Paladin Project) coming before PZ second meeting in October.
- Wayne Abare has applied for Board Member for PZ

Reilly asked that the Board would like a definition from staff of what staff is?

K. ADJOURN

There being no further business to discuss, MOTION: Ball/ Ritter to adjourn this meeting. Vote: All Ayes. The meeting adjourned 8 55P.M.

BY:

\_\_\_\_\_  
Pat Reilly, Chair

\_\_\_\_\_  
Denine Sherear, P&Z Board Secretary

\_\_\_\_\_  
Date Approved: as corrected

"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  
SEPTEMBER 24, 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, EXCUSED
	DON KRIEGER
	GRANT BALL
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

**ADDITIONAL ATTENDEES:**

TOWN CLERK/TREASURER	DEBBY FRANKLIN
TOWN ENGINEER	MORRIS SMITH

**C. ADDITIONS/DELETIONS/CHANGES:**

Reilly said Bud Ryan is excused and George Foster will be voting in his place.

Krieger suggested putting "Discussion" Items 4 & 5 in the "Old Business" for time purposes.

**D. CONSENT AGENDA:**

- |                               |                                    |
|-------------------------------|------------------------------------|
| 1. <b>Approval of Minutes</b> | Planning and Zoning Meeting – none |
| <b>Exhibit:</b>               | Agenda Report No. 1                |
| <b>Recommendation:</b>        | Motion to Approve                  |

**E. PUBLIC HEARINGS: 2**

- |   |                     |
|---|---------------------|
| 2. <b>Land Use Amendment &amp; 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):</b> |                     |
| Applicant: KellWill, LLC, represented by Mr. William Carmine.   |                     |
| <b>Exhibit:</b>   | Agenda Report No. 2 |
| <b>Recommendation:</b>  | Action to Council   |

Land Use Map Amendment and Zoning Change for A 3.22 acre site, Parcel 28-38-31-00-00750, aka 1300 Highway 1, Malabar, Florida 32950 from Residential/Limited Commercial (R/LC) to Commercial General (CG); applicant is the KellWill, LLC represented by Willy Carmine. Ord 2014-14

Chair stated the request and called applicant/representative to podium. Mr. William Carmine, 1320 Stack Road, who explained why he wanted the land use map and zoning change on the property so he could relocate his Route 1 Motor Sports business to Malabar. He had come before P&Z Board

before he purchased the property and after receiving conceptual support, he is ready to move forward.

George asked if he also owns Malabar Mo's. Yes. George said it is a good place and thinks he would be a good neighbor. Grant said some of the concerns are more about how you develop the property more than the zoning. He has been by his current business and noticed applicant receives deliveries that are off loaded by stopping in Hwy 1.

Carmine said he currently leases .75 of an acre. They are busting at the seams at current location. He grew up here and wants to put his 2<sup>nd</sup> business in the Town he loves. The proposed site is 3.25 acres. Grant asked if he was going to put adequate access so they don't have to stop on Hwy 1. Yes, he will have enough property so they can get off the highway to delivery.

Don asked if the goods are considered sporting goods. Willy said yes, they could be; power sports, 3-wheelers, seadoos, ATV and utility vehicles. Don asked not big boats? No, not at this time and it is pretty unlikely for the future. In Brevard County they are considered a small business. Don asked about the environmental issue since there is an extreme slope. Willy stated the elevation at Hwy 1 is about 22 feet. He has ordered the topo and will be doing the environmental survey based on the outcome of this request.

Liz said if it a specialty business, why not keep as RLC? The footprint of building is over the limit for RLC (4000sf). Liz said that the table says that is max per 20,000sf so he could really have 12,000sf. Chair asked if he had plans for east side? No. Don said a better zoning would be as CL.

Chair then opened it to the public.

Jim Milucky, 1280 Highway 1, has property to the north and has owned for 12 years; he works and resides there. He is concerned being in a small business, with limited hours and residences on two of his four sides. Changing to CG is so wide open he would like to encourage P&Z to discuss and consider, specialty, conditional use, or one jump not two in intensity. His intent is to share with P&Z that once the zoning is changed to CG the applicant could sell it. They went through a similar kind of request recently on Babcock. Granted there are more residences in that area.

George asked Milucky if there is any sort of "meeting in the middle" with Mr. Carmine related to a buffer area between properties or maybe a surety bond for his action. Milucky said he reached out at least four times to meet with applicant with no response. Why should they negotiate now?

Don asked if this applicant was able to construct his plan and if it was a less intense zoning would he support the project? Milucky said tentatively yes, but he needs to do more study before answering definitively.

Chair then closed the public hearing and brought it back to Board for discussion.

Chair said to Board, if you make a motion, you must support the motion; seconder does not.

**MOTION: George / Liz to recommend to Council approval of the Land Use Map Amendment and Zoning change for the 3.22 acre parcel ID 28-38-31-00-00750 aka 1300 Highway 1 from RLC to CG with the condition that a Developers Agreement be recorded to state that if it is not developed as proposed for his Route 1 Motor Sports business then the land use and zoning would not be recognized as CG and would remain RLC.**

Chair answered Don's question. Applicant is asking for CG. Per Article 1-2.6, he cannot put it under specialty shop or sporting goods (Art III, Section 1-3.1.O.) It is a marine type activity. RLC and CL

both have a maximum floor area of 4000sf. Don discloses that he also got a notice, as he owns property within the radius. He is not against the project, but is concerned with the other uses that can go in a CG zoning down the road. George said it abuts CG zoning on the south and west. Don disagreed saying the railroad and SR514 separate them.

Engineer Morris Smith said CL not intended large scale retail, repair and service. Don said there are so many inconsistencies in classifications; it should be able to go there with a conditional use or special exception. Put conditions on it. Liz said it includes repair of vehicles.

George said the building he wants to construct would clearly be in violation in the RLC. There is no question that he can't do it in RLC. He is a good, clean, neat business and has had no problem. He has been a good neighbor. George supports him moving his business here and approving the request to change the land use and zoning.

Grant said the concern is if he doesn't go forward with his project and it is sold and becomes a 24 hour business. Town Engineer Smith asked if the Town has used a developer's agreement. Franklin said yes. Town Engineer said they could craft a document that would restrict only that use on the property.

Carmine said he does not have a problem with what Engineer Smith said. It is not his intent to do anything other than build his business there so he can grow. He is young and would want to pass on his business to his children.

Chair asked Debby about getting a legal opinion on attaching such a condition. Franklin thought it could be done but would get legal opinion before the 10/6/14 Council meeting. Liz said they all feel his intentions are true. Don said they could make the recommendation to allow this use in the CL zoning.

George said the Chairman and staff have said that CG is the only zoning that would allow him to put his business there. There are no alternatives. If we want him to come, we have to approve the request. George said they also have the assurance from the staff that there will be a developer's agreement.

ROLL VOTE: Krieger, Nay; Reilly, Aye; Foster, Aye; Ball, Aye; Ritter, Aye. Motion passed 4 to 1.

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

Request to Vacate 375' of Fins Lane ROW Between Malabar and Hall Roads: Applicants: Federico and Teresa Calderon, 1075 Glencove Drive, Palm Bay, FL 32907. They are owners of lots 70, 65 and 66 north of the approved terminus of Fins Lane that he was granted a variance to only have to

improve 100 feet of roadway in order to gain access to the parcels they wish to join into one parcel and develop into a 4.33 ranchette. ((adding .43 onto the tax rolls (.33 from Calderon and .10 from Parcel 78)).

Chair asked for disclosures: Liz drove down and looked at site.

The two lots to the north of Calderon's (Parcels 40 and 50) can be accessed from existing Sandy Creek Lane.

Federico Calderon presented his request and explained they were granted variance to build short so the road does not divide their property. He explained the current road improvement was done short by about 75 feet. He has to improve that portion and an additional 25 feet in front of parcel 70 in order to get a driveway in. They have not decided where on their property they will build the house but the driveway will be off of the 25 foot extension in front of lot 70.

Chair asked for staff comments. Engineer Morris Smith said this is an excellent way to keep the local streets from becoming collectors.

Chair then opened it to the public.

Brian Vail, Smith Lane, his only concern is where the road extend; what about utilities? Calderon that will depend on where they decide to put the house. They have to pay for the install of the poles and give easement. Parcels 40 and 50 would get their utilities from Sandy Creek Lane.

Then Brian asked about drainage. Calderon explained they have walked the property themselves with Town Engineer and paid to have an environmental study done so they are aware of the ditch blockages. Once the ditches are cleaned and the pipes are in, the drainage in the whole area will be better. The ditches are all on private properties and if everyone would clean their ditches that would improve the drainage dramatically.

The owner of lot 77 – (fronts Eva Lane) is happy not to have two through streets but is concerned with drainage. He explained that the drainage goes through all of their properties and when the ditches are clogged the water in his backyard is deep.

Chair then closed the public hearing and brought it back to Board for discussion.

Staff explained that this is the first step. After this Board's recommendation it will go to Council on October 6, 2014 for final action. If approved, then the applicant can start on the ROW improvement for the appx 100' necessary to plan a driveway into lot 70.

MOTION: George / Grant to recommend to Council to approve the vacate request of 375 feet of Fins Lane by applicant's Federico and Teresa Calderon.

Discussion: Don is not in favor of vacates but if it helps Town and helps the property owner he could support it. Don said if you vacate you should be required to put in cul-d-sacs. Chair said it is not relevant. Liz said there should cul-d-sacs at the end of all dead end roads. Don said applicants should be required to install cul-d-sacs at the south end of Sandy Creek Lane and also at the north end of Fins Lane.

George said Mr. Calderon should not be burdened with this requirement unless everyone is made to comply with this requirement. George said the Town Engineer has explained that the drainage will be dealt with and the lots will all have access. George said the community is in agreement; it protects both streets from becoming through roads. Chair said there is no need to have two through streets next to each other.

Don said we have talked about the problem of access for fire trucks for 35 – 40 years.

ROLL VOTE: Krieger, Nay; Reilly, Aye; Foster, Aye; Ball, Aye; Ritter, Nay. Motion passed 3 to 2.

F. ACTION:  
G. DISCUSSION:

4. Continue Discussion re: Off-Street and Contiguous Parking  
Exhibit: Agenda Report No. 4  
Recommendation: Discussion

No discussion

5. Continue Discussion re: Future Land Use Maps and Defining R/LC  
Exhibit: Agenda Report No. 5  
Recommendation: Discussion

No discussion

6. Discuss Roads & Drainage in Malabar  
Exhibit: Agenda Report No. 6  
Recommendation: Discussion

No discussion

H. ADDITIONAL ITEMS FOR FUTURE MEETINGS:

Reilly suggested to eliminate Item #6 for Discussion- Roads & Drainage (Board is done discussing).

I. PUBLIC

Dezman Cook 813 Glencove Ave, Palm Bay FL. The reason why they were here is to discuss property at 2605 Malabar Road; they want to open a senior assisted living facility. He said it was already zoned for this in the past. The realtor told him to come to P&Z to discuss this idea. Ritter asked how many beds? Cook replies 10 to 12 beds. Ritter said it was a day care not an assisted living facility.

Krieger asked Cook if he had received paper work from staff relating to assisted living facilities (ALF) and requirements.

Reilly said to see how much property is required for an ALF in this area. Reilly also said to look at the Ordinance that was passed in January for ALF's in the Town of Malabar.

Teresa Lee 7770 SE Federal Hwy, Hobe Sound, FL The realtor proposed the whole 24 acres for the lease.

J. OLD BUSINESS/NEW BUSINESS:

Old Business:

The Board discussed about the legal opinion on minute taking. Ball said it is an undo burden for the secretary to beyond what is required. Reilly said if you read what the lawyer said there is no "minimum required", just taking notes and it is not a requirement to record. Reilly said the answer is the best job Denine can do is what it is. Ball said the key points should be included in the minutes not verbatim. Krieger added that we were going to do that in the next minutes. Ball would like to see the minutes before the next meeting. Ball said we should abbreviate the minutes.

New Business:

Foster asked if we have gone through the FLUM & R/LC completely. Reilly replied that Don feels there is more business basically the verbiage of R/LC needs to be discussed.

**K. ADJOURN**

There being no further business to discuss, MOTION: Krieger / Ritter to adjourn this meeting.

Vote: All Ayes. The meeting adjourned 9:15P.M.

BY:

\_\_\_\_\_  
Pat Reilly, Chair

\_\_\_\_\_  
Denine Sherear, P&Z Board Secretary

\_\_\_\_\_  
Date Approved: as corrected

DRAFT

**TOWN OF MALABAR**

**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: October 8, 2014**

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

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**SUBJECT: Off-Street Parking and Contiguous Parking**

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**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. In the interest of the health, safety and welfare of the general public in the promotion and preservation of traffic safety,** 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.

### 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.

- 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.
8. *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.
9. *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.
10. *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.
11. *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.
12. *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.
13. *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.
14. *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.

**Non-Contiguous & Off-Site Parking Spaces are not permitted unless proper engineering and approved safety standards are implemented.**

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 18 / 29

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:

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**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.**

**Contiguous/ On-Site 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.

TOWN OF MALABAR  
PLANNING AND ZONING  
AGENDA ITEM REPORT

AGENDA ITEM NO: 3  
Meeting Date: October 8, 2014

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

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SUBJECT: Future Land Use Map and Defining R/LC

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**BACKGROUND/HISTORY:**

This Item has not been discussed at last few P&Z Meetings. The 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 previous meetings.

**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.