

TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY FEBRUARY 25, 2015
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA :**
 - 1. Approval of Minutes** Planning and Zoning Meeting – 2/11/15
 - Exhibit:** Agenda Report No. 1
 - Recommendation:** Request Approval

 - E. PUBLIC HEARING: none**
 - F. ACTION:**
 - 2. Recommendation to Council for Clarifications made to Article IX Off-Street Parking & Contiguous Parking & Article XX Definitions**
 - Exhibit:** Agenda Report No. 2
 - Recommendation:** Action

- G. DISCUSSION:**
 - 3. Continue Discussion re: Future Land Use Maps and Defining R/LC**
 - Exhibit:** Agenda Report No. 3
 - Recommendation:** Discussion

- H. ADDITIONAL ITEMS FOR FUTURE MEETING**
- I. PUBLIC:**
- J. OLD BUSINESS/NEW BUSINESS:**
- K. ADJOURN**

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.
If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with the Americans with Disabilities Act (ADA), anyone who needs a 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: February 25, 2015

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

ATTACHMENTS:

Draft minutes of P&Z Board Meeting of February 11, 2015

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
FEBRUARY 11, 2015 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 7:32 P.M. Prayer and Pledge led by Vice Chair Liz Ritter.

B. ROLL CALL:

CHAIR:	PAT REILLY, excused
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN, excused
	WAYNE ABARE
ALTERNATE:	GEORGE FOSTER
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES:

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 1/28/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval

**Motion: Abare/Foster To Recommend Approval of Minutes of 1/28/15 as corrected All
Vote: Aye**

Ritter corrections:

Page 4 of 41 half way down page "Board discussed "C"..."to put sales in after and are not intended for.

3 parag from bottom 1st line a coma between use & such as.

Foster corrections:

Page 6 of 41 3rd parag up from bottom, "Foster comment about Option 1, for clarification purposes Option 1 is fair at 20% of the total property, otherwise it would make no sense to purchase more than a half-acre.

The Board discussed that the Motion made needed to be corrected in the minutes as well as what was sent to the Council.

Ritter corrections:

Page 7/41 2nd parag down under the four Options discusse

- 1.) 0.20 not .20
- 2.) 4,000 not 4000
- 3.) 4,000sf not 4000

Correction of Motion: Abare/Ritter Recommended to Council to pick Option#1, after much deliberation and debate.

All Vote:Aye

- E. PUBLIC HEARING: none
F. ACTION: none

G. DISCUSSION:

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

The Board discussed & corrected Articles IX & XX, some minor corrections were made. Ritter said that there are a lot of comas missing throughout; Ritter explained that commas are there for the separation of separate things. When there is no comma it can mean the same thing or together. Sherear commented that it was copied from Municode as presented.

Article IX corrections:

Page 20/41 1st parag, 3rd line "erected, or enlarged,..." 3rd line also "by a change of use or with the addition of dwelling units,"

Page 22/41 last parag. 1st sentence "Stalls, Aisles, and Driveways" (add comma after Aisles)

Page 24/41 #3 from the top (c) six (6) inches

Article XX corrections:

Page 33/41 4th parag. From top, under Parking Space walk = walkway

The Board discussed the "Recreational and Landscaped" definition in depth and made some changes as noted below.

- 6th parag from the bottom "Recreational and Landscaped... 3rd sentence down the open space is located. Not calculated as open spaces are rooftops, porches, raised decks, parking spaces, driveways, utility and service areas.

Page 34/41, 4th parag from bottom "Swimming Pool" 2nd line "...an above-surface ground pool, having..."

Motion: Abare / Foster To Recommend to Council changes made in Article IX Off-Street Parking and Internal Traffic Circulation & Article XX Definitions and Language.

All Vote: Ayes (Unanimous)

3. **Continue Discussion re: Future Land Use Maps and Defining R/LC**
Exhibit: Agenda Report No. 3
Recommendation: Discussion
Table this discussion

H. ADDITIONAL ITEMS FOR FUTURE MEETING

Foster suggested the exploration & discussion of RL/C to be an optional zoning change to be based on the homeowner's decision to choose or not to choose the zoning change. Ritter responded that in #3 discussion of R/LC, it is part of the definition until a resident comes in and applies for a commercial use, it is residential.

I. PUBLIC

Juliana Hirsh 1035 Malabar Road, Malabar FL., had two questions, 1.) What is the excuse for Bud Ryan not showing up? Foster said, he (Bud) told him he could not make it. Juliana said it is supposed to be a valid excuse. Ritter responded, he (Bud) had some issues that came up unexpectedly. Juliana said, Bud knows there are meetings on Wednesdays and he misses a lot. Juliana said, he is gone a lot too much maybe he should resign. Ritter said, he (Bud) has issues.

Abare said to Juliana's point, it is up to the Chair to say if it is excused or not excused. Ritter responded that there is no definite criteria what exactly is excused or not excused.

Foster said, if he (Bud) did not show up is one thing, but the practice has been excepted policy if you call ahead and explain your situation with no details that is accepted as an excused absence. Ritter said, if he (Bud) just didn't show up it would be unexcused.

Juliana said there should be a guideline what is an acceptable excuse. Ritter said, then who decides what is acceptable. Abare said the "Chairs" of the Boards are real lenient. Abare agreed with Juliana about coming up with something. Abare discussed about two meetings ago when only Reilly and Abare showed up for a meeting and Town paid Denine two hours of overtime to come here for nothing. Abare said that is wasting the Town's money. Abare said they should not have to come to a meeting, when there are only two of them and they have to go home and can't have the meeting. Juliana said, it happens too much.

Abare said the current Ordinance, if you have at least 3 unexcused absences you are automatically off the Board. Juliana asked, what is excused? Abare said we need to come up with some guidelines.

Juliana said she paid a lot of attention to what the Board discussed. Foster said he appreciated Juliana coming to the meetings. Juliana also said the last meeting was a wonderful meeting.

Juliana said the R/LC is tricky; it is going on too long over a year. Juliana said that Ritter is more worried about the people that have houses already, but we are talking about Future Use and those on the main roads that is what we need to consider. Ritter responded to notify everybody that there is a tentative Future Land Use change coming into effect and whether they would want to come in and accept it now. Abare said that you can do a mailer to everyone. Juliana said there is a considerable problem there.

Abare asked Juliana what she doesn't like about all this R/LC. Juliana said she doesn't like this wishy-washy, now there are these regulations on what you can do in R/LC right now. Ritter said

it is the way it is interpreted the biggest problem in this Town. The way it is interpreted was that you had people living in areas they couldn't get residential insurance; because it was R/LC, which is commercial/residential they could not get residential insurance. Ritter said they need to be considered residential until they decide they want to have a business. Juliana said it is a bad zoning in the first place.

Foster thanked Ms. Hirsch for her loyalty to be a citizen and coming in and listening to what this Board discusses.

J. OLD BUSINESS/NEW BUSINESS:

K. ADJOURN

There being no further business to discuss, MOTION: Abare/Foster to adjourn this meeting.

Vote: All Ayes. The meeting adjourned 8:58 P.M.

BY:

Liz Ritter, Vice-Chair

Denine Sherear, P&Z Board Secretary

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: February 25, 2015

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

SUBJECT: Off-Street Parking and Contiguous Parking

BACKGROUND/HISTORY:

At the 02/11/15 The Board reviewed Articles IX & XX and made corrections and presented a "Motion", but this Agenda Item was not on for "Action" at the last meeting and two members were absent. Therefore the Chair Pat Reilly requested it come before this Board for a final review and recommendation to Council.

Please see attached the memo and clean *Draft* copies to recommend to Council for **Article IX (9) Off Street parking & Internal Traffic Circulation** and **Article XX (20) Language and Definitions**.

ATTACHMENTS:

- Memo 15-AABO-002 (Denine Sherear)
- Article IX *Draft* clean copy bold/underlined (page1-5)
- Portion Article XX *Draft* clean copy bold/underlined (page 8-11)

ACTION OPTIONS:

Recommendation to Council

TOWN OF MALABAR

MEMORANDUM

Date: February 12, 2015 15-AABO-002

To: Debby Franklin, Town Clerk/Treasurer
Town Council

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

Ref: Recommendation from P&Z to Council Updating Off-Street Parking & Internal Traffic Circulation Parking (Article IX) & Definitions (Article XX)

The PZ Board after many meetings and discussions finished the updates on the Off-Street & Internal Traffic Circulation Parking (Article IX), and Definitions (Article XX) in our Code Books.

On February 11th, 2015 the Planning and Zoning Board made the following Motion:

Motion: Abare/Foster To Recommend to Council to approve changes in Article IX-Off-Street Parking & Internal Traffic Circulation Parking & Article XX-Definitions.
All Vote: Ayes Unanimous

ATTACHMENTS:

- Article IX Off-Street Parking & Internal Traffic Circulation Parking
- Portion of Article XX Definitions

**ARTICLE IX
OFF-STREET PARKING
AND INTERNAL TRAFFIC
CIRCULATION**

**UPDATED @ P & Z
MEETING ON 2/11/15 FOR
RECOMMENDATION**

Article IX - OFF-STREET PARKING AND INTERNAL TRAFFIC CIRCULATION

Section 1-9.1. - Applicability.

Parking shall be **in the best interest of the health, safety, and welfare of the general public in the promotion and preservation of traffic safety**, 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 **with** 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. *Social Welfare Facilities*. One (1) space for every three (3) residents/beds plus one (1) space per employee on the largest shift.
12. *Public Health Facilities*. 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. *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.
14. *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.
15. *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.

16. *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.
17. *Retail Sales Stores.* One (1) space for each two hundred (200) square feet of retail floor space.
18. *Restaurants and Lounges.* One (1) space for each one hundred (100) square feet of gross building area.
19. *Libraries and Museums.* One (1) space for each three hundred (300) square feet of gross building area.
20. *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.
21. *Bowling Lanes.* Six (6) spaces per lane.
22. *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.
23. *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.
24. *Business and Vocational Schools.* One (1) space for each three (3) students.
25. *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.
26. *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.
27. *Office and Professional Building (excluding medical offices).* One (1) space for each two hundred (200) square feet of office space.
28. *Transportation Terminals.* One (1) space for each two hundred (200) square feet of floor space.
29. *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.
30. *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.
31. *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.

32. *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; Ord. No. 14-01, § 5, 2-3-14)

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 **total** 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 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**
- ~~7.8.~~ *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 **Building Official, Town Staff.**
 - (a) Wheel stops for stalls adjacent to landscaped strips shall be located two and one half (2½) feet from the front end of the stall to prevent encroachment into required landscaped areas. The front two (2) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.
 - (b) Wheel stops for stalls not adjacent to landscaped strips shall be located three and one-half (3½) feet from the front end of the stall. The front three (3) feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space requirements of this Code.
 4. Parking lots with twenty (20) or more spaces may be comprised of a maximum of fifteen (15) percent compact car parking stalls. Such compact car stalls shall be seven and a half (7½) feet wide by fifteen (15) feet long and marked for use by small vehicles. The markings shall be maintained in perpetuity. The intent is to deter larger cars from using compact car spaces.
 5. All publicly maintained and operated parking facilities intended for public use and all businesses, firms, or other persons licensed to do business with the public shall comply with requirements for access established in the Accessibility Requirements Manual published by the Department of Community Affairs, Florida Board of Building Codes and Standards.
- B. *Entries, Exits, Drives and Vehicle Maneuvering Areas.* All uses which are required to provide three or more off-street parking spaces shall have entry and exit ways and drives at least eighteen (18) feet in width to accommodate two-way traffic unless a one-way traffic system is utilized, in which case entry and exit ways and drives shall be at least nine (9) feet in width. In the event a one-way traffic system is utilized, appropriate traffic direction markers shall be installed. The internal circulation system, including drives and maneuvering areas, shall be designed to permit convenient maneuvering of cars and service vehicles into and out of each parking and loading space, and shall be arranged so that no vehicle need back onto a public right-of-way. No occupied parking or loading space shall interfere with access to any other parking or loading space, or with any pedestrian walkway. The design of parking facilities shall also comply with landscape requirements of Article XIII [Article XIV].
- C. *Restricted Use of Off-Street Parking Areas.* All parking areas shall be used for automobile parking only, ~~with no sales,~~ **and are not intended for** 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 Town Building Official, the City Engineer and approval of the Planning and Zoning Commission.
 - (b) Width: Twelve (12) feet.
 - (c) Height: Fourteen (14) feet **& six (6) inches**.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:
1. *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.
 2. **Porous Surfaces. Part-time or temporary use such as Church, Park, Fair, and Festival parking. All parking areas must be up to specifications of the Town Engineer, Town Planner, and/or Building Official as to composition, compaction, and drainage grade.**
- 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 2/11/15 FOR
RECOMMENDATION**

Mining. The removal, either in or upon the soil of the earth or beneath the soil, of any valuable inert or lifeless substance formed or deposited in its present position through natural agencies alone, as a commercial business.

Mini-Warehouse/Mini-Storage. A mini-warehouse/mini-storage is defined as a fully enclosed, single story, building or buildings that may contain removable interior partitions and having individual compartmentalized units, stalls or lockers with privately controlled access points which are to be rented as storage space for customers' goods, wares, or personal property. No individual storage unit shall exceed five hundred (500) square feet in floor space. No unit shall be used for any wholesale or retail operations; however, it shall not preclude use as a depot for such purposes as franchised distribution.

An office for the rental of the storage spaces may be included, provided it does not exceed three hundred (300) square feet, excluding any bathroom facilities.

Mobile Home Park. A tract of land in one ownership, which provides rental spaces for mobile homes.

Mobile Home Park, Transient. A facility which provides short term parking areas for travel trailers, travel campers and mobile homes, along with the provision of utilities, recreation and related services.

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.

Motor Vehicle. As defined by Title XXIII Florida Statutes, specifically Chapter 320.01(1) (a) and (b).

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.

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

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

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).

On-Street Parking. Parking is abutting a Roadway, which is any public path used by vehicle 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, walkway 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. Not calculated as open spaces are 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.

Minor Collector Streets. Minor collector streets collect traffic from local streets and feed traffic to major collectors and arterials.

Residential Access Streets (Local Streets). Streets which directly serve abutting properties and residences. These streets should be relatively safe and quiet and should be completely free of any through traffic.

Street Line. See Right-of-Way Line.

Structure. Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs and poster panels, driveways, pools, and ponds.

Structural Alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Subdivision. The division and recording in accordance with law of a parcel of land into two or more lots or blocks for the purpose of transfer of ownership or development for development, sale or lease.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface **ground** pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

Townhouse. A one-family dwelling in a group of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Warehouse. A warehouse shall mean any premises where the principal use is the storage of merchandise, products, or materials in bulk, for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesales, but shall not be deemed to include retail sales establishments, motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use. No commercial vehicles (semi-trailers) shall be parked on the site overnight. No manufacturing, processing or craftsman of any kind shall be permitted.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or

the depth of a rear yard, the minimum horizontal distance between the lot line and the structure shall be used.

Yard, Front. A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the structure of any projections thereof, other than the projections of uncovered steps. On corner lots and through lots all yards which abut the street are considered front yards.

Yard, Rear. A yard extending across the rear of the lot between the inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Side. A yard between any structure and the side line of the lot, and extending from the front lot line to the rear yard and being the minimum horizontal distance between a side lot line and the side of any structure. A yard which is not a front or rear yard.

(Ord. No. 97-3, § 1, 3-17-97; Ord. No. 06-05, § 2, 2-8-06; Ord. No. 06-16, § 3, 10-2-06; Ord. No. 06-19, § 3, 1-11-07; Ord. No. 07-02, § 6, 4-2-07; Ord. No. 08-04, §§ 2, 3, 4-7-08; Ord. No. 08-13, § 2, 10-20-08; Ord. No. 12-48, § 5, 1-23-12; Ord. No. 14-01, § 6, 2-3-14)

DRAFT

TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: February 25, 2015

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

SUBJECT: Future Land Use Map and Defining R/LC

BACKGROUND/HISTORY:

This Item was discussed briefly at the P&Z Meeting on 11/12/14. The Chair Pat Reilly and Board suggested that each Board Member review and clarify the 4,000sf per 20,000sf lot size and provide a sentence/paragraph to add into the R/LC definition for example " Any building larger than 4,000sf would be considered a Conditional Use....."

Board also suggested to look at list of what is allowed in R/LC district.

ATTACHMENTS:

- Revised R/LC from 11/12/14
- Table 1-3.2 Land Use By District (Portion)

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 November 12, 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/low 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	1	0
1	0	1
2	1	1
3	2	1
3	1	2
4	2	2
5	3	2
5	2	3
6	3	3

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.

Any building larger than four thousand (4,000) square feet would be considered a Conditional Use.....

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.

DISTRICT PROVISIONS

§ 1-3.2

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
RESIDENTIAL USES														
Duplex														
Mobile Homes					P	P								
Multiple Family Dwelling							P				P			
Single Family Dwellings					P	P					P			
	P	P	P	P	P	P	P				P			
COMMUNITY FACILITIES														
Administrative Services														
(Public and Not-for-Profit)														
Child Care Facilities								P	P	P	P		P	
Churches, Synagogues and Other Places of Worship								C	C	C	C		C	
Clubs and Lodges (Not-for-Profit)								P, A ¹	P	P	P		P	
Cultural or Civic Activities									P	P	P			
Educational Institutions								P	P	P	P		P	
Golf Course Facilities								C, A ¹					C	
Group Homes														
Hospital and Extensive Care Facilities					C	C		C	C		P		C	
Nursing Homes (Including Rest Homes and Convalescent Homes)								C					C	
Protective Services						C		C						
Public Parks and Recreation					C	C	C	C	C	C	C	C	C	C
Public and Private Utilities					C	C	C	C	C	C	C	C	C	C

	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/										P				
Electronic Gaming Establishment														
Funeral Homes										C ²				
General Retail Sales and Services									P	P	C			
Hotels and Motels										P				
Limited Commercial Activities										P				
Marine Commercial Activities									P	P	P			
Medical Services										C*				
Mini Warehouse/Storage								P	P	P	P			
Parking Lots and Facilities									C	P		P		
Retail Plant Nurseries								P	P	P	P		P	
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)									P	P	P			
Service Station, Including Gasoline Sales										P				
Trades and Skilled Services										C*		C*		
Veterinary Medical Services										C*		P		
Vehicular Sales and Services								P	P	P	C	P		
Vehicular Services and Maintenance										C*		P		
Wholesale Trades and Services										C*		P		
INDUSTRIAL ACTIVITIES														
Kennels													C	
Manufacturing Activities													P	

DISTRICT PROVISIONS

§ 1-3.2

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Manufacturing Service Establishments														
Vehicle and Other Mechanical Repair and Services												P		
Warehouse, Storage and Distribution Activities										C*		P		
WATER DEVELOPMENT NONCOMMERCIAL ACTIVITIES														
Noncommercial piers, boat slips, and docks												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)