

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY MARCH 11, 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 – 2/25/15
 - Exhibit:** Agenda Report No. 1
 - Recommendation:** Request Approval
 - E. PUBLIC HEARING: none**
 - F. ACTION:**
 - G. DISCUSSION:**
 - 2. Continue Discussion re: Future Land Use Maps and Defining R/LC**
 - Exhibit:** Agenda Report No. 2
 - 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: March 11, 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 25, 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 25, 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 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

B. ROLL CALL:

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

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA:

- 1. Approval of Minutes** Planning and Zoning Meeting – 2/11/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval

Motion: Abare / Ryan to approve Minutes of 2/11/15 as corrected Vote: All Ayes

Reilly & Ritter corrections: George Foster is regular member not an "Alternate"; there are two vacant "Alternate" positions.

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

Reilly said the Board did very well last meeting going over this Agenda. The Board discussed "Definitions" and made the following corrections:

- page 17/26 (PZ Meeting 2/25/15) *Parking Space(s), Off-Street*
- page 10/26 (PZ Meeting 2/25/15) 1st parag.

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. Parking shall be provided in all districts at the time any building or structure is erected, or enlarged, or increased in capacity by a change of use or with the addition of dwelling units, floor area, seats, employees, or other factors determinative of parking demand as stated in this Article IX.

- page 14/26 (PZ Meeting 2/25/15) "3 (a)" take out the ~~City Engineer and approval of the Planning and Zoning Commission.~~
- "F" 2nd line take out Staff and put Town Building Official.
- Page 13/26 (PZ Meeting 2/25/15) "3" last line Town Building Official.

Motion: Ryan / Ritter to recommend to Council changes made in Article IX Off-Street Parking and Internal Traffic Circulation & Article XX Definitions and Language.
Roll Call Vote: Abare, Aye; Reilly, Aye; Ryan, Aye; Ritter, Aye. Motion carried 4 to 0

G. DISCUSSION

- 2. Continue Discussion re: Future Land Use Maps and Defining R/LC**
Exhibit: Agenda Report No. 2
Recommendation: Discussion

Motion: Ritter / Ryan to un-table this Agenda Item. Vote: All Ayes

Speakers card: Juliana Hirsch 1035 Malabar Road, said she made notes (attached and made part of these minutes) about R/LC it has been going on for over a decade, Hirsch recommend to the Board Members of the PZ Board to read page 18, 19, and 20 of the 2010 Comp Plan where it is repeatedly stressed that this zoning is intended primarily for limited commercial and it appears now that certain members of this Board favor to overturn the R/LC zoning that was long approved or disapproved by the Council, to predominantly residential. The entire R/LC zoning was created to insulate the existing residents at the time from higher taxes and insurance. It seems to Ms. Hirsch that over the times she has been here there is no clear understanding, it needs to be finalized. The zoning and suggested ratio needs to be understood.

The zoning and ratio by Board Member Ritter is unworkable, and cannot be implemented for example, a resident could not build a home without a business occupying the same parcel. The ratio is unrealistic and does not comply with what the R/LC zoning was created for. Hirsch recommended the Board Members review the 1995 and 1985 zoning maps and minutes of the Reg. Town Council Meeting of September 20, 1988 this gives a history of what the R/LC is supposed to mean and why and is stressed over and over and is mainly for commercial. Ms. Hirsch said she has sit here meeting after meeting and it has been stressed by the member it should be "residential" predominantly. It is contrary to what this was established for. Hirsch said if you think the zoning should be changed it should go back to 1995 zoning. In her opinion it is not a bad zoning, but it has taken a wrong turn for what it was originally, that was to insulate the existing homes at the time. Ms. Hirsch recommended to the Board to review the available, Ordinance, Comps., and Zoning Regulation to familiarize yourselves with the actually meaning and intensions of the R/LC Zoning to minimize the obvious confusion for entire decade, it appears the Board is rehashing items that have already been approved or disapproved by Council.

Reilly explained to Ms. Hirsch, the chart on page 22/26 (PZ Agenda Packet).

Ms. Hirsch said that Ritter pushes the residential. Ritter explained that is when there is already an existing residence.

Hirsch explained that the R/LC District is intended and shall be interpreted to be a commercial district. Ritter said the reason the Board is discussing this is to bring things up to what it should be currently.

The Board discussed with Ms. Hirsch the R/LC zoning. Ms. Hirsch said it should be predominantly commercial. Ritter said property owners have an option.

Abare said that what this Board is doing is making it comfortable for existing residents so they can get insurance, they can live there and put a business if they want or you can just put a business. It is the best of all worlds. Hirsch said she agreed, but her argument is the constant push to lean towards residential. Ritter explained a house does not have to be built on property. But those that do shouldn't be classified as commercial.

Abare said to Ms. Hirsch it is important for people like you to come here and speak your mind and it is appreciated. Ms. Hirsch said to Board she appreciates everybody and all their work "Thank you" for listening.

Ryan asked Ms. Hirsch if she was going to be here the rest of the meeting. Hirsch ask if Ryan would he be here. Ryan wanted to talk to her after the meeting and Hirsch said talk right now.

Reilly said to change Article II & III

The Board discussed the definitions of Article III District Provisions.

Reilly and Board discussed verbiage for Article III 1-3.1 "O" R/LC (page 21/26 PZ 2/25/15)

Corrections: (page 21/26 PZ 2/25/15)

- Ritter said to take out the word low
- Abare said to take out density
- Reilly said to take out moderate density

Corrections: (page 21/26 PZ 2/25/15)

- Reilly gave Table # 1-3.1

Ryan told Chair he had to leave @ 8:30PM

The Board continued discussion on clarifying verbiage. Abare suggested to list location of Malabar Vernacular Style, reference location in Code Book.

The Board discussed on page 23/26(PZ Meeting 2/25/15) the uses we will have to address if more than 4,000 sf are allowed. Reilly said to wait until PZ receives the information from the Councils last meeting.

The Board discussed the clarifications that they have made with the verbiage has allowed people to do what they want without being penalize.

Abare suggested that when this Ordinance goes through to invite residents to come into change zoning to R/LC for free or whatever fee. Abare said to send out letters to all those that would be affected and to give rezoning and this would invite people that want to build in Malabar. Ritter suggested putting this out in the "Mail Boat" as a big article.

Reilly said that last time that an Ordinance was done changing zoning/land use that every property was listed in the Ordinance.

The Board discussed the process that could be used with residents to include property owners for the zoning/land use change.

Reilly said for Board to look at Table 1-3.2 Land Use By District. Provide updated Table Supp. 21 for next meeting.

The Board reviewed Table 1-3.2 and discussed existing Table.

Reilly said for next meeting stay on R/LC and think of what types of business would work along Babcock Street, Malabar Road, and Highway 1 in R/LC District.

Reilly explained that the maps go with the Comprehensive Plan that shows the changes in the different areas of Town.

Juliana said for the Board to look into flag lots or driveway. Sherear explained the option of a driveway vs flag lot. (get information on flag lots for next meeting)

Put Article III District Provisions in next packet. (3/1//15)

H. ADDITIONAL ITEMS FOR FUTURE MEETING

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

Abare said that he has a gentleman that is going to join PZ Board. He will be a positive addition.

K. ADJOURN

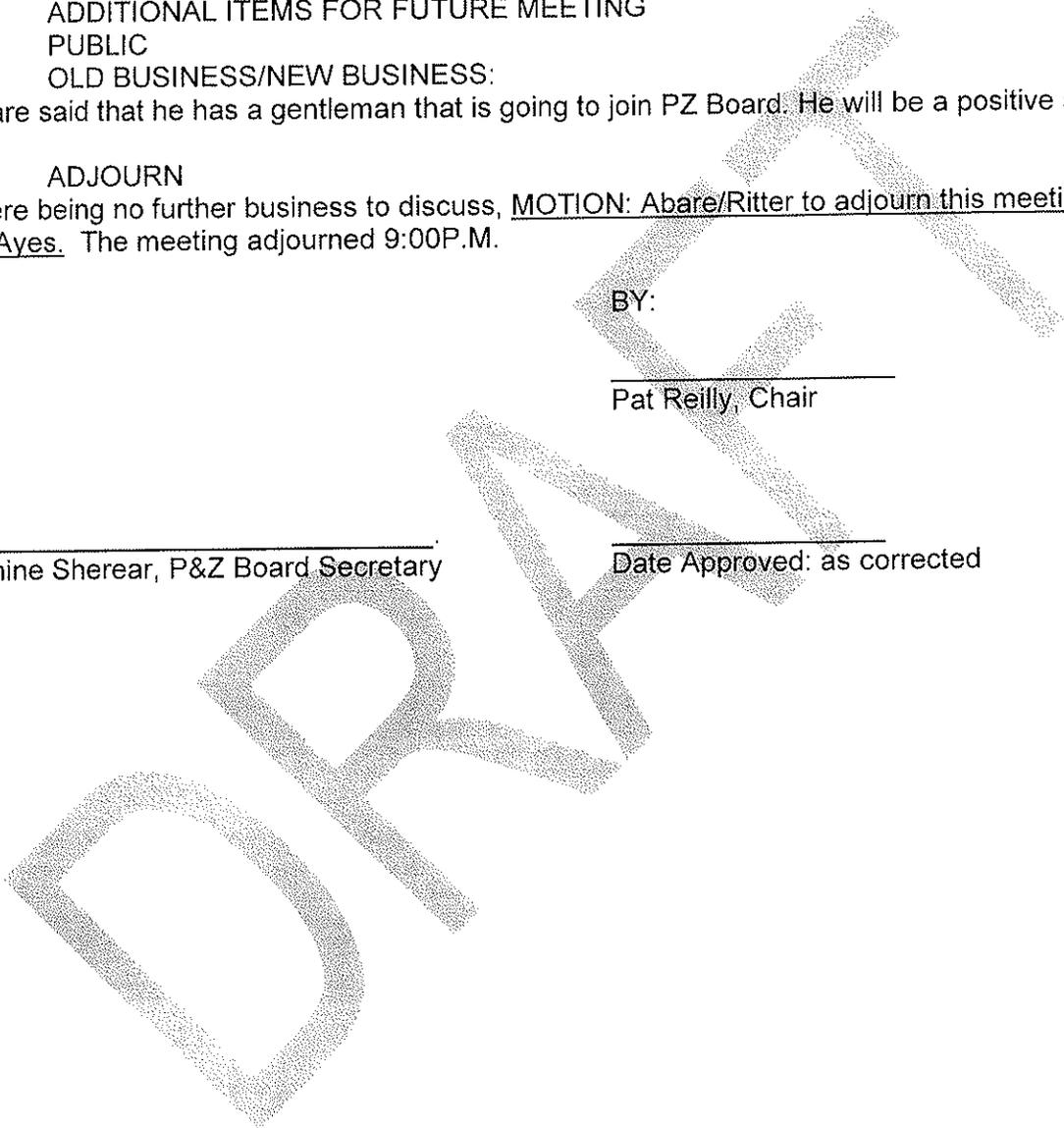
There being no further business to discuss, MOTION: Abare/Ritter to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:00P.M.

BY:

Pat Reilly, Chair

Denine Sherear, P&Z Board Secretary

Date Approved: as corrected



Read to P&Z Board on their meeting of 2/25/15 by Juliana Hirsch, 1035 Malabar Road, Malabar, FL 32950

“The discussion about R/LC by P&Z Board has gone on for over a decade. I recommend the Board Members read pages 18-20 of the 2010 Comp Plan, where it is repeatedly stressed this zoning is intended primarily for Limited Commercial and it appears now that certain Members of the Board favor the overturn the RLC zoning long approved by Council to a now predominantly residential use. The entire RLC was created to insulate the existing residential homes from higher taxes and insurance.

I recommend the Board Members review pages 18, 19 and 20 to familiarize themselves with what R/LC zoning is so to understand the zoning and its intention.

The suggested ratio recommendation by Board Member Ritter is ridiculous and cannot be implemented; for instance, a resident could not build a home without a business occupying the same parcel. The ratio is unrealistic and does not comply with what the R/LC zoning was created for.

Additionally, I recommend the Board Members review the 1985 through 1995 Zoning Maps indicating Commercial Limited and General Commercial then known as B1 and B2 Zoning. Read the minutes of the RTCM of 1988 to better understand the intent. I feel it has been established why and how the zoning has been created and should not be changed – if you think the zoning needs changing it should go back to the 1995 zoning map; it's more workable in my opinion.

R/LC is not a bad zoning but it has taken an entirely wrong turn for what it was originally intended – that was to insulate the existing homes.

I recommend that you review the available ordinance and Comp Plan and Zoning Map to familiarize yourselves of the actual meaning and intention of the R/LC Zoning so to minimize the obvious confusion for an entire decade.

In closing, it appears the Board is rehabbing items that already have been approved or disapproved by Council for whatever reason; it just indicates the existing confusion.”

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: March 11, 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 in depth at the P&Z Meeting on 02/25/15. Chair Pat Reilly suggested for next meeting to look at Table 1-3.2 Land Use By District and for Board to think of what types of businesses would work in the R/LC District.

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

ATTACHMENTS:

- Revised R/LC (Article III District Provisions) from 02/25/15
- District Provisions Article III (Table 1-3.2 included)
- Memo # 15-AABO-001 from Denine Sherear, Recommendation sent to Council ref. to Maximum Building Coverage.
- *Draft* Memo # 2015-TC/T-036 from Debby Franklin Town Clerk/Treasure reference to Recommendation for Max. Building Coverage (MBC) went to Council on 3/2/15.

ACTION OPTIONS:

Discussion/ Recommendation to Council

- Portion of Article III - DISTRICT PROVISIONS
- Section 1-3.1. - Purpose and intent of districts.

O.

R/LC "Residential and Limited Commercial." The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use **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 rural and agricultural applications as well as allowing limited 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 shall permit, 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 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 six (6) units per acre. **A building(s) or portions of a building may have residential or commercial uses(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. (see Article V General Provisions Section 1-5.29)

Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one as regulated by table 1-3.1.

Commercial use(s) shall not exceed residential dwelling unit(s) by more than one as regulated by table 1-3.1.

Permitted Combinations of Uses Table 1-3.1

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>

- Portion of Article III - DISTRICT PROVISIONS
- Section 1-3.1. - Purpose and intent of districts.

<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.

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

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.

(Ord. No. 94-4, § 2, 4-3-95; Ord. No. 07-02, §§ 1-4, 4-2-07; Ord. No. 14-01, § 2, 2-3-14)

Article III

DISTRICT PROVISIONS

This article describes the purposes and intent of each zoning district, identifies permitted and conditional uses by zoning district, and provides size and dimensional regulations for respective zoning districts.

Section 1-3.1. Purpose and intent of districts.

This section presents the basic purpose and intent of each zoning district.

- A. *CP "Coastal Preserve."* The CP district was originally established by the Town Council through Ordinance Number 7-1-76, § 5.12 and Ordinance Number 7-12-79 § 1. This district is intended to preserve a narrow strip of land east of highway US 1 directly abutting the Indian River Lagoon, a State designated Aquatic Preserve. The district provisions are intended to assist in implementing land use, coastal management, and conservation goals, objectives, and policies within the comprehensive plan. For instance, the district provisions reduce exposure to natural hazards to persons or property as a result of windstorms and high tides; preserve the marine resources of the Aquatic Preserve; and restrict usage to noncommercial piers, boat slips, and docks.
- B. *RR-65 "Rural Residential."* The rural residential district is established to implement comprehensive plan policies for managing rural residential development at a density not to exceed one and one-half (1.5) acres per dwelling unit. The district is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lot rural residential home sites. The areas designated for rural residential development generally contain few urban services and the street system is generally incapable of carrying traffic generated by more intense urban development. The district is intended to accommodate and preserve a unique lifestyle which cannot be accommodated in more dense residential areas.
- C. *RS-21 "Single-Family Low-Density Residential."* This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The RS-21 district is established in order to protect the quality and character of existing and future conventional single-family low-density neighborhoods, preserve open space, and manage future densities in order to assure compatibility with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- D. *RS-15 "Single-Family Medium-Density Residential."* The RS-15 district is designed to accommodate traditional single-family development on lots not less than 15,000 square feet. The district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and man-

age future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

- E. *RS-10 "Single-Family Medium-Density Residential."* The RS-10 district is established to implement comprehensive plan policies for managing traditional single-family residential development on lots not less than 10,000 square feet. This district is established to preserve the stability of existing and future single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that they are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- F. *R-MH "Residential Mobile Homes."* The R-MH district is established to implement comprehensive plan policies for managing high density mobile home residential development. The district is designed for managing mobile home development at a density not to exceed six units per acre. The district is intended to provide sites for mobile home development within existing established mobile home parks.
- G. *RM-4 "Multiple-Family Medium-Density Residential."* The RM-4 district is established to implement comprehensive plan policies for managing medium-density residential development not to exceed four units per acre. The district is established to ensure sufficient land area for development of medium-density multiple-family residential developments which are fully serviced by adequate public facilities. Sites for medium-density multiple-family residential development shall be located so that they provide a smooth transition between low density residential development and areas developed and/or designated for more intense uses.
- H. *RM-6 "Multiple-Family High-Density Residential Development."* The RM-6 district is established to implement comprehensive plan policies for managing high-density residential development at a density not to exceed six units per acre. The district is established to ensure that sufficient land is available for developments of high-density residential development and is intended to ensure availability of adequate public facilities.
- I. *OI "Office-Institutional."* The OI district is established to implement comprehensive plan policies for managing office-institutional development. This district is designed to accommodate businesses and professional offices together with institutional land uses on sites which:
- Have accessibility to major thoroughfares;
 - Have potential to be served by a full complement of urban services;
 - Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential adjacent land uses of differing intensities;

- Accommodate only office buildings and institutional land uses and shall expressly exclude residential uses (except those Community Facilities defined as Nursing Homes and Related Health Care Facilities in 1-2.6.B.10(B)), general retail sales and services, warehousing, and outside storage; and
 - Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.
 - A Malabar Vernacular Style is required for all development along arterial roadways.
- J. *INS "Institutional Services."* The INS district is established to implement comprehensive plan policies for managing institutional development. The district is intended to accommodate public and semi-public facilities such as government administration buildings; fire, police, and rescue services; health care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this district.
- K. *CL "Commercial Limited."* The CL district is established to implement comprehensive plan policies for managing limited commercial development accessible to major thoroughfares near residential neighborhoods. Such development is intended to provide essential household services in locations highly accessible to residential areas. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets:
- Neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional market; or
 - A specialized market with customized market demands.
 - A Malabar Vernacular Style is required for all development along arterial roadways.

Areas designated for limited commercial development are not intended to accommodate large-scale retail sales, services, and trade activities, generally serving a city-wide or regional market. Such stores would usually differ from limited commercial shops since the former would usually require a larger floor area, carry a relatively larger inventory and require substantially greater parking area. Uses, which are not intended to be accommodated within the limited commercial area, include the following: large scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposable containers and/or providing drive-in facilities. No residential uses shall be located in the limited commercial district.

- L. *CG "Commercial General."* The CG district is established to implement comprehensive plan policies for managing general commercial development. The general commercial

district is designed to accommodate general retail sales and services. Sites designated for CG zoning shall be located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements required by general commercial land use activities.

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

The general commercial district is not intended to accommodate manufacturing, processing, or assembly of goods, sales and services of heavy commercial vehicles and equipment, or related services or maintenance activities; warehousing; uses requiring extensive outside storage; or other activities or trades which may generate nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration or major fire hazards. Finally, no permanent residential housing shall be located within the general commercial district.

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

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

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

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

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

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

- O. *R/LC "Residential and Limited Commercial."* The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use Residential and Limited Commercial development on the Comprehensive Plan Future Land Use Map (FLUM). Such development is intended to accommodate limited commercial goods and services together with residential activities on specific sites designated "R/LC" which are situated along the west side of the US 1 corridor as delineated on the FLUM. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a density up to six (6) units per acre. Commercial activities shall generally cater to the following markets:

- Local residential markets within the town as opposed to regional markets; or
- Specialized markets with customized market demands.
- A Malabar Vernacular Style is required for all development along arterial roadways.

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

limited commercial area, include the following: large-scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive-in facilities.

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

(Ord. No. 94-4, § 2, 4-3-95; Ord. No. 07-02, §§ 1—4, 4-2-07; Ord. No. 14-01, § 2, 2-3-14)

Section 1-3.2. Land use by districts.

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

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

No permitted use or conditional use shall be approved unless a site plan for such use is first submitted by the applicant. The applicant shall bear the burden of proof in demonstrating compliance with all applicable laws and ordinances during the site plan review process. Site plan review process is set forth in Article X.

Cross reference—Alcoholic beverages, ch. 4.

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					P	P					P			
Mobile Homes							P							
Multiple Family Dwelling					P	P					P			
Single Family Dwellings	P	P	P	P	P	P	P				P			
COMMUNITY FACILITIES														
Administrative Services (Public and Not-for-Profit)								P	P	P	P		P	
Child Care Facilities								C			C			C
Churches, Synagogues and Other Places of Worship	C	C	C	C	C	C		P, A ¹	P	P	P		P	
Clubs and Lodges (Not-for-Profit)									P	P				
Cultural or Civic Activities								P	P	P	P			P
Educational Institutions								C, A ¹						C
Golf Course Facilities	C													
Hospital and other Licensed Fa- cilities								C						C
Nursing Homes and Related Health Care Facilities					C	C		C						C
Protective Services					C	C		C	C	C	C	C	C	C
Public Parks and Recreation	C	C	C	C	C	C		C	C	C	C	C	C	C
Public and Private Utilities	C	C	C	C	C	C		C	C	C	C	C	C	C
COMMUNITY RESIDENTIAL HOME														
Level 1 (1 to 6 residents/beds)	C ³				C	C								
Level 2 (7 to 14 residents/beds)					C	C								C
ASSISTED CARE COMMUNITIES														
I Assisted Living Facility														
Level 1 (1 to 5 residents/beds)		C	C	C	C ⁴	C ⁴					C			
Level 2 (6 to 15 residents/beds)					C ⁴	C ⁴								
Level 3 (16 or more residents/ beds)					C ⁴	C ⁴								
II Adult Family-Care Homes (1 to 5 residents/beds)	C ³	C	C	C	C	C		C			C			C
III Adult Day Care Centers					C	C					C			C
AGRICULTURAL ACTIVITIES														

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
Noncommercial Agricultural Operations	P													
Wholesale Agricultural Activities	P													
Commercial Stables	C													
COMMERCIAL ACTIVITIES														
Adult Activities														
Bars and Lounges										C				
Bed and Breakfast										C				
Business and Professional Offices											P ¹			
Enclosed Commercial Amusement								P	P	P	P	P	P	
Arcade Amusement Center/ Electronic Gaming Establishment														
Funeral Homes										C ²				
General Retail Sales and Services									P	P	C			
Hotels and Motels										P				
Limited Commercial Activities									P	P	P			
Marine Commercial Activities										C*				
Medical Services								P	P	P	P			
Mini Warehouse/Storage									C	P	P	P		
Parking Lots and Facilities								P	P	P	P	P	P	
Retail Plant Nurseries									P	P	P			
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)										P				
Service Station, Including Gasoline Sales										C*		C*		
Trades and Skilled Services										C*		P		
Veterinary Medical Services										C*		P		
Veterinary Sales and Services								P	P	P	C	P		
Vehicular Sales and Services										C*		P		
Vehicular Services and Maintenance										C*		P		
Wholesale Trades and Services										C*		P		
INDUSTRIAL ACTIVITIES														
Kennels												C		
Manufacturing Activities												P		

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
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														C

- 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.

³ Allowed in RR-65, (1 to 2 residents/beds) as defined in FS Title XXX Chapters 419 & 429

⁴ ALF Factor of "3" (see section 1-2.6.B.13.B, Part I) only applies to RM-4 & RM-6 for ALF's

(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; Ord. No. 14-01, § 3, 2-3-14)

Section 1-3.3. Size and dimension criteria.

A. *Minimum Lot or Site Requirements for All Uses.* Table 1-3.3(A) incorporates required size and dimension regulations which shall be applicable within each respective zoning district. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:

- Setback requirements;
- Open space, buffers, and landscaping;
- Surface water management;
- Water and wastewater services;
- Access, internal circulation and off-street parking;
- Wetland protection; and
- Soil erosion and sedimentation control standards.

Conventional single family lots shall be required pursuant to square footage requirements stipulated in Table 1-3.3(A). Similarly, more intense development within multiple family residential districts and other specified nonresidential districts shall maintain sites having minimum acreage requirements stipulated in Table 1-3.3(A).

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot (L)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft./2)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (L)				
Rural Residential Development												
RR-65	65,340	160	250	35/3	1,500	40	30	30	20	N/A	80	0.66
Traditional Single Family Residential Development												
RS-21	21,780	120	150	35/3	1,800	35	20	15	35	N/A	65	2.00
RS-15	15,000	100	120	35/3	1,500	30	20	15	45	N/A	55	2.904
RS-10	10,000	75	100	35/3	1,200	25	20	10	50	N/A	50	4.00
Multiple Family Residential Development												
RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	50	N/A	50	4.00
RM-5	5 acres Minimum Site	200	200	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	50	n/a	50	6
Mixed Use Development												
MJC	20,000	100	150	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120 Commercial: Min. Area: 900 Max. Area 4,000	25	20	10	50	n/a	50	4
Mobile Home Residential Development												
R-MH	Site: 5 Acres Lot: 7600					10	8	8	50	N/A	50	6.00
Office Development												

Zoning District	Minimum Lot (L)			Maximum Height (ft./stories)	Minimum Lining Area (sq. ft.) Minimum Floor Area: 1000	Setback (ft./ft.)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (f)				
OI	20,000	100	150	35/3		35/60	25	20	25	20	35	N/A
Commercial Development												
CL	20,000	100	150	35/3		50	25	10 ⁴ 15 ³	20	0.20	35	N/A
CG	20,000	100	150	35/3		50	25	20 ⁴ 15 ³	30	0.20	35	N/A
Industrial Development												
IND	20,000	100	150	35/3		50 100 ⁶	25 100 ⁶	20 100 ⁵	30 100 ⁶	0.42	30	N/A
Institutional Development												
INS	20,000	100	150	35/3		50	25	20	30	0.20 0.10 ⁶	40	N/A
Coastal Preservation												
CP	No Size or Dimension Standards Adopted											

¹Minimum size sites and lots include one-half of adjacent public right-of-way.
²Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.
³Setback where rear lot line abuts an alley.
⁴Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
⁵Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
⁶Recreation activities maximum FAR shall be .10.

B. *Area requirements for uses not served by central water and wastewater services.* All proposed development within areas not served by central water and wastewater services shall comply with the septic permitting requirements of Brevard County.

C. *Impervious Surface Requirements (ISR) for All Uses.* The term "impervious surface" is defined as that portion of the land which is covered by buildings, pavement, or other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.

1. *Calculation of ISR.* The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area. Water bodies are impervious but shall not be included as such in the ISR calculation.

Cluster development or other site design alternatives may result in individual lots exceeding the ISR, while other lots may be devoted entirely to open space. The Town may require, as a condition of approval, deed restrictions or covenants which guarantee the maintenance of such open space in perpetuity. The ISR requirement shall not be bypassed or reduced. However, the intent is to allow maximum flexibility through calculating ISR on the gross site, and not on a lot-by-lot basis.

2. *Use of Porous Material.* Porous concrete, asphalt, porous turf block, or similar materials may be used subject to approval of the Town Engineer.
3. *Compliance with ISR Stipulated in Table 1-3.3(A).* All proposed development shall comply with the standards given in the table of impervious surface ratios in Table 1-3.3(A).

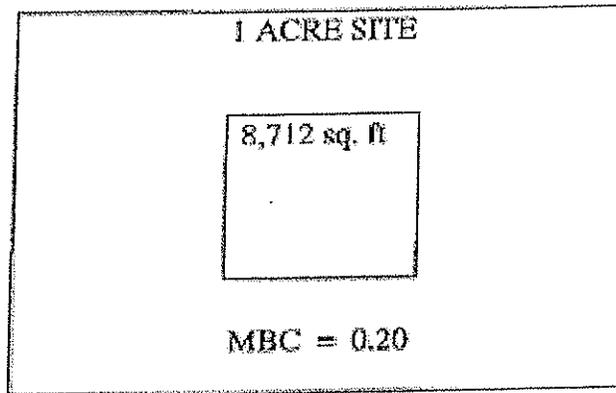
Where a proposed development is donating or dedicating land based on a plan approved by the Town, the gross site before dedication or donation shall be used to calculate ISR. This does not relieve the applicant from providing all required on-site buffers, landscaping, stormwater management areas, setbacks, and other required project amenities.

D. *Maximum Building Coverage.* The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.

1. *Calculation of MBC.* The MBC is the relationship between the total building coverage on a site and the gross site area. The MBC is calculated by adding together the total building coverage of a site and dividing this total by the gross site area. See figure 1-3.3(D) for a graphic illustration of this concept.

All proposed nonresidential development shall comply with the MBC requirements stipulated in Table 1-3.3(A) for the zoning district in which the development is located.

FIGURE 1-3.3(D). MAXIMUM BUILDING COVERAGE ILLUSTRATION



Maximum building coverage for a MBC of 0.20 = 8,712 sq. ft.

$$\text{MBC} = \frac{\text{Total Building Coverage}}{\text{Total Lot Area}}$$

E. *Building Setbacks.* Table 1-3.3(A) provides building setbacks for conventional single family lots as well as for multiple family residential and nonresidential sites. In addition to these setbacks the following building setbacks from thoroughfares shall be enforced. The required minimum setback from the thoroughfare shall be measured from the centerline of the right-of-way. The thoroughfare system is illustrated on the Future Traffic Circulation System: 2010 Map located within the traffic circulation element of the Town of Malabar comprehensive plan. The below cited table identifies rights-of-way within the Town and stipulates minimum required building setbacks from these roadways.

TABLE 1-3.3(E). ADDITIONAL BUILDING SETBACKS FROM STREETS AND ROADS

<i>Transportation Facility</i>	<i>Building Setback (feet)</i>
Arterial Roadways (150 feet R/W)	100
US 1 Highway	
Malabar Road (SR 514)	
Babcock Street (SR 507)	
Major Collector Streets (100 feet R/W)	85
Corey Road	
Weber Road	
Marie Street	
Briar Creek	
Jordan Blvd.	
Local Streets (50—60 feet R/W)	65

Minor Collector Streets (80 feet R/W)

75

Atz Blvd.
Hall Road
Old Mission Road
Benjamin (Reese) Road

F. *Minimum Distance Between Principal Buildings.* The minimum distance between principal buildings shall be twenty (20) feet. The distance shall be measured at the narrowest space between buildings and shall not include roof overhang.

(Ord. No. 92-8, § 1(B), (D), (J), 8-18-92; Ord. No. 94-4, § 4, 4-3-95; Ord. No. 96-1, § 1, 3-4-96; Ord. No. 97-5, § 1, 3-17-97; Ord. No. 02-03, § 1, 8-5-02; Ord. No. 03-02, § 1, 2-24-03; Ord. No. 04-08, §§ 1, 2, 7-12-04; Ord. No. 06-05, § 1, 2-6-06; Ord. No. 06-16, §§ 1, 2, 10-2-06)

TOWN OF MALABAR

MEMORANDUM

Date: January 29, 2015 15-AABO-001

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 Increasing the MBC Permitted in R/LC (Residential/Limited Commercial) District.

The PZ Board received a directive from Council in December 2014 in reference to increasing the Maximum Building Coverage (MBC) in R/LC district. The PZ Board discussed this at the last few meetings.

On January 28th, 2015 the Planning and Zoning Board made a Motion after much discussion and debate. The four options recommended were:

- 1.) 0.20 no matter what size (MBC) Max. Building Coverage-foot print (below diagram *portion* of Article III District Provisions "D")
- 2.) 4,000sf max no matter how big lot size (gross)
- 3.) 4,000sf max first ½ acre with a factor for a ½ acre or acre TBD and every acre after that
- 4.) Any building larger than four thousand (4,000) square feet would be considered Conditional Use.

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

Roll Vote: Foster, Aye; Abare, Aye; Reilly, Aye; Ryan, Aye; Ritter, Aye Motion passed 5 to 0

The PZ Board wanted to include a *portion* of Article III District Provisions "D" see below for clarification:

D.

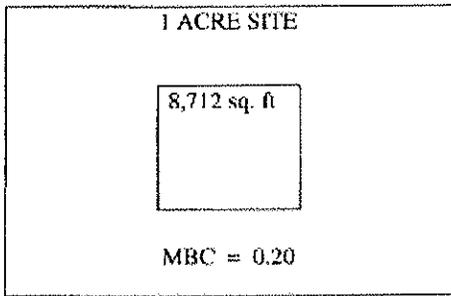
Maximum Building Coverage. The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.

1.

Calculation of MBC. The MBC is the relationship between the total building coverage on a site and the gross site area. The MBC is calculated by adding together the total building coverage of a site and dividing this total by the gross site area. See figure 1-3.3(D) for a graphic illustration of this concept.

All proposed nonresidential development shall comply with the MBC requirements stipulated in Table 1-3.3(A) for the zoning district in which the development is located.

FIGURE 1-3.3(D). MAXIMUM BUILDING COVERAGE ILLUSTRATION



Maximum building coverage for a MBC of 0.20 = 8,712 sq. ft.

MBC	=	<u>Total Building Coverage</u>
		Total Lot Area

TOWN OF MALABAR

MEMORANDUM

Date: March 03, 2015 2015-TC/T-036
To: Planning and Zoning Board / Denine Sherear, Board Secretary
From: Debby Franklin, Town Clerk / Treasurer
Ref: Land Use Recommendations Approved by Council

Below are the portion of DRAFT minutes from Council March 2, 2015 meeting. They listened to a presentation by P&Z Board Chair Pat Reilly and voted 4 to 1 to approve Option 1 for the P&Z Board to explore.

3. Recommendation from Planning & Zoning Board – Maximum Bldg Coverage

Exhibit: Agenda Report No. 3

Recommendation: Request Direction

Presentation from PZ Bd Chair.

Discussion: CM Acquaviva asked if it meant larger buildings. PZ Chair Pat Reilly said that R/LC would allow larger foot prints but over 4,000sf would be a conditional use. He explained the P&Z Board is considering recommendations to change zoning along arterials (Babcock, Malabar and Highway 1) to RLC. Mayor said other commercial districts use a percentage.

CM Krieger said 20% is great. It seems to be what commercial.

Juliana Hirsch from audience, 1035 Malabar Road. 4000 sf is not very big. Some houses are that big.

MOTION: CM Korn / CM Ball to recommend Option 1 for P&Z Board to explore.

VOTE: Ayes 4; Nay, 1 (Acquaviva).