

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY APRIL 8, 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 – 3/11/15
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
 - 3. Direction from Council to Explore Option 1 Maximum Building Coverage .20**
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: April 8, 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 March 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
MARCH 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 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN, late 7:36PM
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	VACANT
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 2/25/15

Exhibit: Agenda Report No. 1
Recommendation: Request Approval

Motion: Ritter/ Abare to Recommend Approval of Minutes of 2/25/15 as corrected All Vote:

Aye

Ritter Corrections:

Page 3/28 in ROLL Call, George Foster is regular Board Member not an "Alternate".

Page 4/28 2nd parag. 6th line on right side sat instead of sit.

E. PUBLIC HEARING: none

F. ACTION: none

G. DISCUSSION

2. **Continue Discussion re: Future Land Use Maps and Defining R/LC**

Exhibit: Agenda Report No. 2
Recommendation: Discussion

Reilly explained to Board that in their packet Article III is updated from last meeting of 2/25/15.

The Board discussed page 9/28 second parag. Under "O" to add to last sentence Table(s) 1-3.1 & 1-3.3A.

Reilly discussed that the Council approved 0.20% density is the limit (Option #1) any acreage, no more 4,000sf. Reilly believes that anything over 4,000sf should be Condition Use VS Permitted. Reilly said if it is over a certain limit than a land change has to be done.

Ritter said why would you penalize land owners if it is the type of business that would fit in that zone. Reilly said he looked at the big picture changing Malabar Road, Babcock Street, and US 1 to a lot of R/LC. He is concerned with the huge buildings that could be built.

Foster said he knew the PZ Board has spent numerous hours on R/LC. Foster said instead of changing the zoning that he wanted to discuss an optional zoning for all the arterials. He said to let people come in on their own if they wanted that zoning. Ritter explained to Foster that R/LC is considered residential until landowners come in and request a limited commercial type business. Reilly said we are changing the land use to R/LC, not forcing the change.

Abare said the Town sees the future; they are not forced to change only if they come in to the Town.

Abare, Reilly and Board discussed about what can be done in the R/LC zoning.

Ritter said that no one should be forced into anything and whatever they bought the property at it should stay until they (property owners) decide to change these suggestions give them options.

Abare said the Town has a vision what they would like the land to be zoned, and it is not being forced on anyone. Ryan said this zoning allows you to do what you want.

Reilly said the verbiage needs to be fixed on page 10/28 (PZ meeting 3/11/15). The Board looked at Table 1-3.3(A) on page 21/28 under R/LC commercial, take out max. area 4,000.

Reilly said that we will be going by maximum building coverage of 0.20.

The Board worked on the verbiage on page 10/28.

Abare explained the R/LC to the audience and what this Board is presently doing, and that the P&Z is an advisory Board; ultimately everything goes to Council for approval. Abare said that Doug Dial is in the audience and has applied for an alternate position on this Board.

Reilly said to concentrate on next paragraphs on page 10/28 to correct verbiage. Reilly suggested that individually think of what to make these two paragraphs sound like. Make one paragraph "for" and one "not" to describe what is able to be done.

Reilly suggested that he and Liz would re-write the two paragraphs and the Board would bring their suggestions back to the next meeting. Ritter said to let what is in book do the work for us, then we just critic it.

The Board discussed the last paragraph on page 10/28 and moves it up to under second paragraph on page 9/28. Reilly suggested talking about "residential" first and "limited commercial" after that.

The Board discussed the district definitions. Abare asked about maps that go along with this R/LC.

Reilly showed the Board the Maps (June 2013) on overhead and discussed the maps. Reilly asked Sherear to email out to Foster, Abare, and Doug.

The board discussed "flag lots" and handouts (Town Attorneys opinion) were given to clarify that flag lots are only prohibited in our Code in subdivisions. (Section 1-17.2)

H. ADDITIONAL ITEMS FOR FUTURE MEETING

Flag Lot (Abare) no easement only ownership

I. PUBLIC

Juliana Hirsch 1035 Malabar Road, said in reference to the easements and flag lots, she had the front 5 acres of her property surveyed and she said she came up with an easement, she explained if someone buys the land the easement belongs to you but she can ease through it, but you can figure it into your 5 acres. Since we have a lot of people with 10 acre lots you cannot legally sell something that you do not have access to. Juliana said she would appeal to all the Boards since this is so different, we need to keep in mind to keep things reasonable and accommodate people of Malabar.

Abare discussed if you are going to do a flag lot, own the land instead of an easement.

Reilly suggested to clarify "flag lots" no easements only ownership.

J. OLD BUSINESS/NEW BUSINESS

Abare introduced new P&Z Alternate.

Doug Dial 2580 Rocky Point Road, Malabar. Dial said this is very interesting and he went through the book and it is very interesting, a lot of things you are discussing are very important to the Town. If I can learn more as an alternate I would be glad to serve. Abare told Doug about the Sunshine Law and explained to him that when he becomes an alternate they cannot talk any more about this stuff. Abare suggested coming to the Town and get briefed by staff on violating the Sunshine Law.

K. ADJOURN

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

BY:

Pat Reilly, Chair

Denine Sherear, P&Z Board Secretary

Date Approved: as corrected

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: April 8, 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 03/11/15. Chair Pat Reilly suggested for next meeting to look at the paragraphs with the verbiage to bring back to next meeting.

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

ATTACHMENTS:

- Revised R/LC (Article III District Provisions) from Reilly 04/02/2015
- Revised Table 1-3.3(A). Size and Dimension Regulations

ACTION OPTIONS:

Discussion/ Recommendation to Council

RECEIVED FROM REILLY 4/2/2015 BY EMAIL

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).**

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 **the** required setbacks and other size and dimension provisions referenced by zoning district **as shown in Table 1-3.3(A)** in this Code.

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 1-3.1 and Table 1-3.3(A).**

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.

Table 1-3.1. Permitted Combinations of R/LC Land 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

~~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.~~

(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)

Clean Copy (easier reading)

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).

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 "residential" district, until such time as application is made and accepted for a Limited Commercial activity, and shall then comply with the required setbacks and other size and dimension provisions referenced by zoning district as shown in Table 1-3.3(A).

Such development is intended to accommodate limited commercial goods and services together with rural residential activities on specific sites designated "R/LC". 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 1-3.1 and Table 1-3.3(A).

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:

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4	2	2
5	3	2
5	2	3
6	3	3

DISTRICT PROVISIONS

§ 1-3.3

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 (I)				
Rural Residential Development												
RR-65	65,340	150	250	35/3	1,800	40	30	30	20	N/A	30	0.96
Traditional Single Family Residential Development												
RS-21	21,780	120	150	35/3	1,800	35	20	15	15	N/A	65	2.00
RS-15	15,000	100	120	35/3	1,500	30	20	15	15	N/A	55	2.904
RS-10	10,000	75	100	35/3	1,200	25	20	10	10	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-6	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	10	n/a	50	6
Mixed Use Development												
M/LC	20,000	100	150	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	10	n/a	50	4
Mobile Home Residential Development												
R-MH	Site: 5 Acres Lot: 7000				Commercial: Min. Area: 900	10	8	8	10	N/A	50	6.00
Office Development												

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.)	Minimum Floor Area (sq. ft.)			Front	Rear	Side (ft.)				
O1	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	65	20	35	N/A
Commercial Development													
CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	25	10 ⁴ 15 ³	20	65	0.20	35	N/A
CG	20,000	100	150	35/3	Min. Area: 900 Max. Area: 4,000 Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	20 ⁴ 15 ³	30	65	0.20	35	N/A
Industrial Development													
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 ⁵	25 100 ⁶	20 100 ⁶	30 100 ⁶	70	0.42	30	N/A
Institutional Development													
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	30	60	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.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: April 8, 2015

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

SUBJECT: Directive from Council to Explore Option 1 (.20%) For Max. Building Coverage

BACKGROUND/HISTORY:

This Item was a directive from Town Council at the 3/2/2015 RTCM that this Item come back to P&Z Board to discuss and explore "Option 1" the Maximum Building Coverage (.20%)

ATTACHMENTS:

- Draft Minutes from RTCM 3/2/15
- Memo #15-AABO-001 from Denine that was given to Council (Reference)

ACTION OPTIONS:

Discussion/ Recommendation to Council

called ahead of time and let them know they were going to burn and have safeguards in place; they are responsible.

CM Korn asked about the 55 gal barrel with mesh screen top in his backyard. Chief said it is technically a contained fire. So is a ringed fire pit. CM Vail said he has a small fire ring and if he wants to have a burn he calls the FD. **Laura Mahoney said the DOF doesn't issue permits for open fires less than eight feet in diameter and less than ten feet in height. For larger fires you have minimum setbacks as referenced in handout.** CM Acquaviva said they have lots of yard waste that is generated and WM is very good about picking it up. Ms. Mahoney said they are right on Malabar Road and if they piled it up on the roadside it could be dangerous for drivers both for vision and safety since palm fronds get blown around easily.

CM Krieger said he wanted language to make it apparent about what is a contained fire – and what is the distance – he heard 75'.

Chief said they have good checks and balances in place now; there is no cost for the permit; they don't want people to burn negligently.

CM Korn, asked about the fires on resident's property in the last year and a half that was done without a permit or calling the FD requiring the FD to respond. CM Acquaviva said she didn't know she could just call Fire Dept to ask for a Special Permit. Chair called FD Chief to podium. He said the only problem is the person who doesn't call. The instance Korn referenced, that particular day was a "no burn" day per DOF. TA explained why we adopted the ordinance so that we could issue permits for burning.

Atty said change Sec 8.73 (b) to allow for a case by case and in Sec 8-83 remove the word "prohibited" from sub para (d). CM Vail asked about reverse 911? No it cost 5K each year. Chief said we have great

Korn said Krieger will have the minutes from this meeting. Krieger thinks it should go to Park Board and P&Z Boards for their review of this before it comes back to Council. Atty said it does not require that but Council can do what they want. CM Acquaviva said she is satisfied with the Council making this decision. Board Members are welcome to attend and participate.

VOTE: All Ayes.

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).

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.

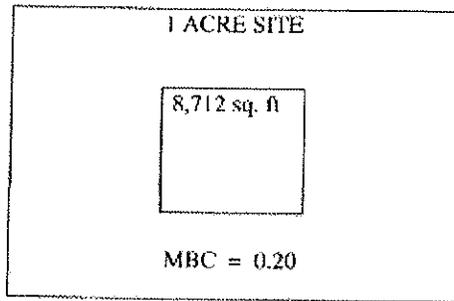
Maximum Building Coverage. The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.

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