

TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY APRIL 22, 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 – 4/8/15
Exhibit: Agenda Report No. 1
Recommendation: Request Approval
- E. **PUBLIC HEARING: none**
- F. **ACTION:**
- G. **DISCUSSION:**
 - 2. **Direction from Council to Review the Offsite Parking and Clarify**
Exhibit: Agenda Report No. 2
Recommendation: Discussion
 - 3. **Continue Discussion re: Future Land Use Maps and Defining R/LC**
Exhibit: Agenda Report No. 3
Recommendation: Discussion
 - 4. **Discussion on “Flag Lots” in Malabar**
Exhibit: Agenda Report No. 4
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 22, 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 April 8, 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
APRIL 8, 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, EXCUSED
	GEORGE FOSTER
ALTERNATE:	DOUG DIAL
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES:

Reilly stated that Doug Dial will be voting for Wayne Abare.

Reilly pulled Agenda Item G3, Councilman Krieger had concerned about verbiage, did not get memo about what needed to be changed. Sherear said I only have minutes from RTCM 3/2/15. Foster said he would like to discuss this Item, so Reilly kept on Agenda to discuss.

D. CONSENT AGENDA:

- | | |
|-------------------------------|---------------------------------------|
| 1. Approval of Minutes | Planning and Zoning Meeting – 3/11/15 |
| Exhibit: | Agenda Report No. 1 |
| Recommendation: | Request Approval |

Motion: Ryan/ Ritter to Recommend Approval of Minutes of 3/11/15 as corrected All Vote:
Aye

Ritter Corrections:

Last parag , last sentence Doug should be Dial.

Ryan Corrections:

Ryan called the Chair to let him know he would be late for the Meeting of 3/11/15 for the record.

Page 4/16 PZ Minutes 3/11/15 1st sentence 0.20% should be 0.20.

Page 4/16 PZ Minutes 3/11/15 4th parag from bottom last sentence critic should be critique

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

Ritter and Reilly discussed the verbiage that Reilly submitted for Board to review at this meeting. Ritter said there are some redundancies about the Residential and multiple/single family structures. Reilly explained he rearranged paragraphs, added and changed words, and took out words.

Ryan asked the definition of family, and Reilly clarified "related family"

The Board discussed the paragraphs and made corrections. Reilly would send to Board Secretary. Ryan suggested making it "leak" proof you want to be very specific to illuminate "loop holes".

The Board extensively discussed the verbiage for R/LC "Residential/ Limited Commercial and illuminated the redundancies. (Reilly will send to Board Secretary for next meeting)

Foster asked, how long has Table 1-3.1 been in R/LC (page 10/16) Reilly explained that this Board added the table for clarification, to define 6 units per acre. Foster said it limits the property use and in order to develop you need to have a combination of residential and commercial. Ritter explained that R/LC is a residential area with small businesses allowed and having this Table 1-3.1 for reference this is the best way to do it to keep the balance.

Foster felt that if you are a property owner or a potential property owner on the arterial areas that these guidelines are just a book of restrictions that you cannot do unless you go through a maze.

Ryan said that you have to put limits and guidelines for people to follow or people will go nuts.

Reilly asked Dial (new Alternate Member) about Table 1-3.1 Dial said he understands it.

Ritter said there a lot of options for people with this zoning.

Reilly explained to Board that this is a Future Land Use (R/LC) and only if a resident comes in to request the change, then they have the options on their property to have the R/LC use. Reilly said no one is forced to do anything.

Note: (Item G3 was discussed as Item 2)

- 3. Direction from Council to Explore Option 1 Maximum Building Coverage .20**
Exhibit: Agenda Report No. 3
Recommendation: Discussion

Reilly explained that he was at the Council Meeting of 3/2/15 and Council Member Krieger wanted different words. Reilly wanted to wait for memo to discuss what section Council Member Krieger was referencing to.

Foster asked Reilly how did the other Board Members accept the presentation for the Maximum building Coverage. Reilly said it was no issues. Ritter said she thought Marisa voted against it.

Reilly said because she (Marisa) wanted the 4,000sf to be the maximum of any building, regardless of lot size. Reilly said he is with her in a way if we go ahead and change Malabar Rd which is 1.5 acre lots they can have 12,000sf buildings along Malabar Rd, Babcock St., and on US 1 it would change the look of the Town.

Ryan said the biggest problems we face is the 3 arterials- Malabar Rd, Babcock St., and US 1, everything else is easily controlled. Ryan said that Abare had a good point, to put out feelers and feel how the general public feels about this.

Foster said if we want this Town to prosper you can't deny people to develop their property. It is immoral and doesn't make sense.

Reilly explained that R/LC back in 1987 was only along US 1 and between US 1 and the railroad tracks; it was not envisioned to have a 1.5 acres. They were all smaller lots.

The Board discussed the size of the buildings and arterial areas.

Foster said that several things need to be considered if we want our town to prosper we have to allow economic opportunities and freedom. We need to have reasonable development on the arterial areas.

Reilly said the Council approved Option 1: the 0.20 Maximum Building Coverage for total acreage.

Reilly said the "Off Site Parking" verbiage that was sent to Council was the memo that was needed. Council Member Krieger did not like the verbiage.

Sherear asked if Option 1 the Maximum Building Coverage of 0.20 for total acreage is settled. Reilly said yes.

H. ADDITIONAL ITEMS FOR FUTURE MEETING

Foster, said at the last meeting "Flag Lots" was discussed and Abare talked about purchasing an easement is an open pay check for the lawyers because you cannot enforce an easement then a flag lot will become necessary if you have any parcel other than the road frontage, a flag lot will be necessary for that owner to purchase right-of-way to build access to their property.

Foster said there is restrictions on flag lots, it is necessary to buy a flag lot parcel so you can maintain access to your property.

Reilly suggested putting "Flag Lots" on the next Agenda as a discussion item.

Sherear said for a reference to understand where "Flag Lots" are in the Code Book go to Article XVII Sec 1-17.2 it is Design Standards, under "G" on page 997.

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

K. ADJOURN

There being no further business to discuss, MOTION: Ryan/Foster to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:05 P.M.

BY:

Pat Reilly, Chair

Denine Sherear, P&Z Board Secretary

Date Approved: as corrected

DRAFT

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: April 22, 2015

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

SUBJECT: Directive from Council to review Off-Street Parking for Clarification

BACKGROUND/HISTORY:

At the RTCM on 3/16/15 the Council reviewed the recommendation that was presented by Chair of PZ Pat Reilly in reference to "Off-Street Parking". It was voted by Council to send it back to PZ Board for wordsmithing and clarification. (See attached RTCM Minutes of 3/16/15)

ATTACHMENTS:

- Memo 2015-TC/T-037 (Debby Franklin, Town Clerk/Treasurer)(**portion of Minutes from RTCM 3/16/15**)
- Memo 15-AABO-002 (Denine Sherear)
- Article IX *Draft* clean copy bold/underlined (page1-5)
- Portion Article XX *Draft* clean copy bold/underlined (page 8-10)

ACTION OPTIONS:

Discuss/Recommendation to Council

TOWN OF MALABAR

MEMORANDUM

Date: April 10, 2015 2015-TC/T-037
To: Planning and Zoning Board / Denine Sherear, Board Secretary
From: Debby Franklin, Town Clerk / Treasurer
Ref: Code Amendment re: Offsite Parking

Below are the portion of approved minutes from Council March 16, 2015 meeting. They listened to a presentation by P&Z Board Chair Pat Reilly and voted to send it back to P&Z for some wordsmithing. CM Ball suggested using the phrase "such as, but not limited to" in the Section 1-9.5.C. CM Krieger was questioning the non-porous vs non pervious (impervious) and suggested the Board relook at that portion (Section 1-9.5E.2)

Resident Jeff McKnight questioned the unintended consequences of changing "staff" to Building Official.

From RTCM 3/16/15:

2. Recommendation from Planning & Zoning Board – Offsite Parking

Exhibit: Agenda Report No. 2

Recommendation: Request is Open

Pat Reilly, P&Z Chair, presented for the board: Spent 3 or 4 months working on this ordinance. To update Art 9 and 20. He walked through the changes.

CM Vail said basically it is housekeeping. Mostly offsite parking – wanted it to be contiguous. CM Krieger asked about the non-porous vs. non pervious. CM Krieger said most are non-porous and should add that proviso. CM Krieger said he just got a chance to look at it. CM Ball agreed they should add that language "such as – but not limited to".

Jeff McKnight, 2005 Flashy Lane. His concern is replacement of Building Official to staff? If BO retires. Are there unintended consequences.

MOTION: CM Krieger / CM Korn to send back to P&Z. **VOTE:** All Ayes.

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TOWN OF MALABAR

MEMORANDUM

Date: February 27, 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 much discussions finished the updates on the verbiage for Off-Street & Internal Traffic Circulation Parking (Article IX), and Definitions (Article XX).

On February 25th, 2015 the Planning and Zoning Board made the following Motion:

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

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 2/25/15 FOR
RECOMMENDATION TO
COUNCIL**

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.** 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.

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 Town 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 **Building Official** 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 2/25/15 FOR
RECOMMENDATION TO
COUNCIL**

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(s), 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

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: April 22, 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 04/08/15. Chair Pat Reilly suggested for next meeting to look at the paragraphs with the verbiage and Chair Pat will correct verbiage along with Vice Chair Liz and bring it back to next meeting for review.

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 04/08/2015
- Revised Table 1-3.3(A). Size and Dimension Regulations

ACTION OPTIONS:

Discussion/ Recommendation to Council

(Updated 4/6/15 by Pat Reilly)

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).** A Malabar Vernacular Style is required for all development along arterial roadways. (see Article V General Provisions Section 1-5.29)

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(s) 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.

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

Limited 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) (updated 4/6/2015 by Pat Reilly)

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). A Malabar Vernacular Style is required for all development along arterial roadways. (see Article V General Provisions Section 1-5.29)

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(s) 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 Rural Residential activities together with Limited Commercial goods and services 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).

Residential and Limited Commercial activities shall generally cater to the local residential markets within the town as opposed to regional markets or specialized markets with customized market demands.

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Total Units/ Uses	Residential	Limited Commercial
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3	2	1
3	1	2
4	2	2
5	3	2
5	2	3
6	3	3

(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)

DISTRICT PROVISIONS

§ 1-3.3

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

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Lot Depth (ft.)	Minimum Lot Area (sq. ft.)	Setback (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 (I)				
Rural Residential Development													
RR-65	65,240	150	250	35/3	1,500	40	30	30	20	N/A	30	0.66	
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													
R/LC	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	25	20	10	10	n/a	50	4	
Mobile Home Residential Development													
R-MH	Site: 5 Acres Lot: 7000					10	8	8	10	50	N/A	50	6.00
Office Development													

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Setback (ft./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 (ft)	Side (C)				
O1	20,000	100	150	35 2/3	35/60	25	20	25	65	20	35	N/A
Commercial Development												
CL	20,000	100	150	35 2/3	50	25	10 ^A 15 ^B	20	65	0.20	35	N/A
CG	20,000	100	150	35 2/3	50	25	20 ^A 15 ^B	30	65	0.20	35	N/A
Industrial Development												
IND	20,000	100	150	35 2/3	50 100 ^C	25 100 ^D	20 100 ^E	30 100 ^F	70	0.42	30	N/A
Institutional Development												
INS	20,000	100	150	35 2/3	50	25	20	30	60	0.20 0.10 ^G	40	N/A
Coastal Preservation												
CP	No Size or Dimension Standards Adopted											

¹Minimum size sizes 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: 4
Meeting Date: April 22, 2015

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

SUBJECT: Flag Lots in Malabar

BACKGROUND/HISTORY:

The discussion of "Flag Lots" has come up at the last few PZ Meeting. It was suggested by Chair Reilly and PZ Board to place as a discussion item.

ATTACHMENTS:

- Article XX Language and Definitions
- Article V General Provisions Section 1-5.14- Structures to have access
- Article XVII Design Standards- "Flag Lots"
- Attorney Karl Bohne opinion

ACTION OPTIONS:

Discussion

Town of Malabar Code Book

Article XX - LANGUAGE AND DEFINITIONS (Portion)

Easement. A grant by a property owner of the right of use of his land by another party for a specific purpose.

Flag Lot. A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

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.

Town of Malabar Code Book

Article V - GENERAL PROVISIONS (Portion)

Section 1-5.14. - Structures to have access.

• **Section 1-5.14. - Structures to have access.**

Every building hereafter erected or moved shall be on a lot adjacent to an approved street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.



All lots on which structures are to be built shall have a minimum width of twenty-five (25) feet along or adjacent to an approved street. The Town Council may provide a waiver to this requirement after considering recommendations of the Planning and Zoning Board.

Section 1-17.2. - Design standards

• F.

Easements.

1.

Utility Easements. Utility easements six (6) feet wide along each side of each lot shall be provided where necessary to accommodate all required utilities across lots and where possible shall be centered on lot lines with convenient access for maintenance. Utility easements ten (10) feet wide shall be provided for underground utilities across that portion of the lot adjacent to a street. Utility easements seven and one-half (7½) feet wide along the rear property of each lot shall also be provided. Additional utility easements may be required by the Town when, in the opinion of the Town Engineer, such easements are necessary for continuity of utility service between developments and where necessary for maintenance and service.

2.

Drainage Easements. Drainage easements shall be provided where necessary at a width adequate to accommodate the drainage facilities. A minimum of fifteen (15) feet shall be provided for underground storm drainage installations. Where canals or ditches are permitted and in compliance with this code, the width shall be adequate to accommodate drainage facilities plus ten (10) feet on one side for maintenance purposes. Drainage easements shall be provided to facilitate drainage of surface waters from contributory areas. When a subdivision is traversed by or develops canals, water courses, lakes, streams, drainage ways or channels, there shall be provided a drainage easement or right-of-way conforming substantially with the lines of such water course and of such further width or construction or both as will be adequate for maintenance purposes.

G.

Lots. All lots shall have frontage on a street which has a minimum right-of-way [of] fifty (50) feet. All lots shall have area, frontage, width and depth required by the zoning district in which said lots are located. The minimum width of a lot fronting on the inside of curvature of a street or cul-de-sac shall be measured from side boundary to side boundary along the chord of the front setback line. Notwithstanding lots developed under an approved planned unit development shall be regulated by lot dimension requirements stipulated in the approved planned unit development site plan. When a subdivision is proposed upon land with existing structures that are to be retained, lots are to be designed so as not to cause said existing structures to become non-conforming with respect to building area or lot size. When lots are platted abutting a collector or arterial street, access should be limited to local streets. Access from individual lots generally should not be permitted directly to collector or arterial streets. Flag lots shall be expressly prohibited.



Debbie Franklin

From: Karl Bohne <KBohne@fla-lawyers.com>
Sent: Monday, March 09, 2015 10:45 AM
To: Debbie Franklin
Subject: RE:

The code prohibition against Flag Lots is contained in Chapter XVII. That chapter, by its terms, applies to a subdivision. In Section 1-17.2 there are criteria established for the design of a required subdivision. I did a word search on municode and other than in Chapter XX, Definitions, Flag Lots are not mentioned anywhere else in the LDRs. So I am of the opinion that prohibition against flag lots are only applies to subdivisions.

From: Debbie Franklin [mailto:townclerk@townofmalabar.org]
Sent: Monday, March 09, 2015 10:06 AM
To: Karl Bohne
Subject: RE:

Do you recall our conversation about flag lots only being in prohibited in subdivisions? Did you do a memo to me on that? If not, will you please.

Thanks,

Debbie K. Franklin, C.M.C.

Town Clerk/Treasurer
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
townclerk@townofmalabar.org
321-727-7764 x12
321-722-2234 Fax
321-536-5657 Cell
Town Website: www.townofmalabar.org

Please Note: Florida has a broad public records law. As a result, any written communication created or received by Town of Malabar officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Karl Bohne [mailto:KBohne@fla-lawyers.com]
Sent: Monday, March 09, 2015 10:04 AM
To: mryan; Bonilyn Wilbanks; Carol McCormack; Rick Hood
Cc: dmaliska; Debbie Franklin; Pat Burke; clerk@grantvalkaria.org
Subject:

Will be out of town from 4/9-4/15.

Karl W. Bohne, Jr.
Schillinger & Coleman, P.A.
1311 Bedford Drive
Melbourne, FL 32940

PORTION OF COMP PLAN -

§1-2 Managing Future Land Use.

Goal 1-2

Future Land Use Map. Continue to maintain and manage a Future Land Use map.

The Future Land Use Map, reflects the Town policy for managing the allocation of future land use. Land use designations on the Future Land Use map have been allocated pursuant to the goals, objectives and policies stipulated in the Comprehensive Plan; an analysis of population, housing and land resources; the need to conserve natural resources including wetlands, estuaries, floodways, flood plains, water recharge areas, fish and wildlife; consideration of capital improvement needs; conservation of fiscal resources; discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; and greenhouse gas reduction strategies.

The Future Land Use Map shall designate areas for the following uses: Rural Residential; Low Density Residential; Medium Density Residential; High Density Residential; Multiple-Family Residential or Offices; Residential and Limited Commercial; Limited Commercial; General Commercial; Industrial; Institutional; Conservation; and Open Space and Recreation land uses. This section of the Future Land Use Element shall define the nature, density and intensity of the allowable uses for each of the designations represented on the Future Land Use map. Nothing in this section shall preclude necessary community facilities from locating within any future land use designation when such activity satisfies established criteria of this plan and the Town's Code of Ordinances.

1-2.1 Objective:

Allocating residential development. The Future Land Use Map shall allocate residential density based on the following considerations: past and projected future population and housing trends and characteristics; provision and maintenance of quality residential environments; protection of environmentally fragile natural systems; the need to plan for smooth transition in residential densities; and provision and maintenance of traffic circulation and multiple-family improvements.

1-2.1.1 Policy:

Density defined. All residential densities denoted on the Future Land Use Map reflect the maximum gross density permitted on the land. Maximum gross residential density will be determined by dividing the "maximum allowable units" by the "gross land area". Gross land area shall be defined as those contiguous land areas under common ownership subject to the following provisions and exceptions:

- a. In cases where land abuts the tidal waters of the Indian River and all tributaries and manmade canals thereof, the boundary of the land shall be delineated as established by State statutes (Chapter 177, Part II, Coastal Mapping), or as may be amended.
- b. No submerged land or aquatic areas waterward of the boundary above described shall be included as gross land area under this definition.
- c. No land areas proposed to be allocated to nonresidential uses shall be included under this definition, excepting contiguous areas proposed for:



- Public or private rights-of-way;
- Utilities under common ownership and principally supporting the residential use;
- Recreational facilities for the primary use of on-site residents; and
- Dedications to the Town or other Town approved agencies or Town approved not-for-profit corporations.



Density is expressed in terms of a range up to a specified maximum. Where so stated as a range, the maximum density is not guaranteed by right. Subdivision, zoning and site plan review criteria and procedures shall assure that specific density assigned to new development is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include the following:

- a. Protect the integrity and stability of established residential areas;
- b. Assure smooth transition in residential densities;
- c. Require application of sound landscaping and urban design principles and practices;
- d. Protect environmentally sensitive areas;
- e. Minimize the impact of hurricane and flood hazards;
- f. Coordinate with Brevard County; and
- g. Provide equitable rights to the use of the land.

1-2.1.2 Policy:

Rural Residential Development (RR). Areas delineated on the Future Land Use Map for rural residential development shall be developed and maintained as rural residential areas with a density of one and one-half (1.5) acres per dwelling unit. This designation is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lots for rural residential homesites. The areas contain few urban services and the street system is generally incapable of carrying traffic generated by urban densities. This land use policy provides land area for accommodating a unique lifestyle which cannot be accommodated in more dense residential areas. Zoning regulations shall provide standards for these areas which are designed to permit development compatible with the need for preserving a rural character and large open space systems.



1-2.1.3 Policy:

Low Density Residential Development (LDR). Areas delineated on the Future Land Use Map for low density residential development shall be developed and/or maintained as residential areas with a maximum density of up to two (2) dwelling units per acre. Specific densities will be determined by such factors as natural features of the land, character of undeveloped land and surrounding development, level of accessibility, housing supply and