



**PLANNING AND ZONING ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY, OCTOBER 10, 2007  
7:30 PM  
MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA**
  - 1. Approval of Minutes**  
**Regular Planning and Zoning Meeting – 09/26/07**  
**Exhibit: Agenda Report No. 1**  
**Recommendation: Motion to approve**
- E. PUBLIC:**
- F. ACTION**
- G. DISCUSSION ITEMS**
  - 2. Scoping Meeting Discussion**
  - 3. Summarize items requiring further action**
    - **Art XVI – add “X” for fences in Subdivisions**
    - **Art XVII – simplify Recreation Fee calculation**
    - **Art V – exemptions to excavating**

**OLD BUSINESS/NEW BUSINESS:  
Florida Vernacular Ordinance**

**ADJOURN:**

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 & ZONING ADVISORY BOARD

10/10/07 MEETING MINUTES

**ROLL CALL:**

Bob Wilbur, Chair  
Richard Cameron  
Patrick Reilly, V-Chair  
Don Krieger, excused  
Bud Ryan  
Cindy Zindel, Alt. #2

Bill Stephenson, Town Eng, excused  
Debby Franklin, Secretary  
Keith Mills, Town Planner, excused

Mayor Eschenberg also present.

Meeting called to order at 7:30PM. Prayer and Pledge led by Chair Bob Wilbur.

**ROLL CALL OF MEMBERS** – see above.

**ADDITIONS AND DELETIONS:**

**MINUTES FROM SEPTEMBER 26, 2007 ADVISORY BOARD MEETING:**

**MOTION:** Reilly / Cameron to approve minutes of September 26, 2007 as presented: Vote: All Aye.

**E. PUBLIC – other than on the agenda - none**

**F. ACTION**

**G. DISCUSSION ITEMS**

2. Scoping Meeting Discussion

Board was pleased with the turn out for the meeting and thought that all the important issues got conveyed. Franklin explained that the planning consultant hired to do the E.A.R. would take the input from the Scoping meeting and draft the issues letter. The Town Administrator may review the letter with Council on Monday, but the process will not require further input from P&Z at this time. The Council hired Calvin-Giordano and Associates to get the E.A.R. drafted and approved.

3. Summarize Code Amendments that require further action:

- Art XVII (should be XVII not XVI) – add a new section “X” for fences in Subdivisions – Article XVII Required Improvements and Design Standards 1-17.2.x. – Design Standard for Subdivisions and this would be a good place to just say refer to Article V for the present zoning and follow the same rules individual homes have to. The new section of Subdivision Fencing should have rules for the following areas:
  - a) Perimeter, common areas and green belts
  - b) internal lots
  - c) gates and columns

Wilbur said they need to add definitions for columns, gates, etc. This is for RR-65. Loop hole is gates – the code doesn't mention gates. We need to address how we will handle this. Wilbur said it used to be just field fence and they were all the same. Now we get more upscale housing that want more ornamental fencing for the entryway to their driveway. Cameron said we will see changes in gates and fences and landscaping. With the cost they would be spending they should be able to have some leeway. Six foot fence in residential is sufficient. We should stay with that. He would like them open across the front.

Zindel mentioned on page 983 it mentions fences – that would need to be changed. No the reference to fence could stay there and on 984. Reilly said the lawyer said the subdivision was in the common area and not on the lots and that is how they got away with it. The perimeter is not part of the lot.

The board discussed fencing in Country Cove. They do have some internal fencing. The subdivision fencing should be different – Fencing along perimeter roads will want privacy fencing.

Board agreed the existing Fence Section of the Code should be amended to provide specific criteria for columns and security gates.

- Art XVII – simplify Recreation Fee calculation – Attorney and Planner have reviewed the section of the Code at the request of staff to propose simplifying the formula and adding a specific method to determine the value of the property. It should be at the discretion of the Board and the Town if they would accept land dedication – that should be included in code. Dedication should be protected to prohibit the homeowners association from later selling it like Brook Hollow did.
- Art V, Section 5-22, Excavation, where it lists exceptions or exemptions - eliminate subdivisions. Soil in Malabar should not leave town. Mining operations destroy the roads. The example was the recent subdivision when the dirt left town and then the builder would be required to buy the dirt from the developer and haul it back in. This takes a big toll on the local roads. The subdivisions should be made to keep the dirt in town. Ryan followed the dirt out of town from the subdivision. Wilbur described Money pit development – take in excavator or draglines and haul the dirt out and sell it and then leave town. Malabar said it did not want that to happen and passed ordinances prohibiting excavating and mining operations. They just never got codified in 1990 when the Land Development Code was codified. In recent years when this came to light, Council passed an ordinance prohibiting excavation and mining but then listing several instances that were exempt: subdivisions was one of them.

If they have an over burden of material they could apply for a special exception for the excess once their site plan is complete. Franklin will provide ordinance to board for excavation – (Is this being codified)

**H. OLD BUSINESS/NEW BUSINESS:**

Reilly stated that two people came up to him asking about clear cutting the land across from Weber Woods – how did we allow that to happen. Also across the street. Franklin replied that the previous Administrator allowed mitigation. Trees were relocated to the park for the mini storage project and Weber Woods paid money.

Wilbur congratulated Franklin on promotion to Interim Clerk. He thanked her for continuing on the P&Z Board. Board was also glad that Rose Futch was back.

**I. ADJOURN:**

**MOTION:** Reilly / Ryan to adjourn. Vote: All Aye. Meeting adjourned at 9:00PM

ATTEST:

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Debby Franklin, Secretary

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Bob Wilbur, Chair

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Date approved