

**TOWN OF MALABAR  
PLANNING & ZONING ADVISORY BOARD**

**APRIL 23, 2008 MEETING MINUTES**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

**A. CALL TO ORDER, PRAYER AND PLEDGE**

Meeting called to order at 7:32 pm. Prayer and Pledge led by Chair Bob Wilbur.

**B. ROLL CALL**

ROLL CALL:

Bob Wilbur, Chair

Patrick Reilly, V-Chair

Richard Cameron

Don Krieger

Bud Ryan -- Excused

Cindy Zindel, Alt. #3 #1– non-voting

Michele Kelly, Secretary

Denine Fusco-Scarbro, Secretary in Training

Roger Cloutier, Building Official

**C. ADDITIONS/DELETIONS/CHANGES** None

**D. CONSENT AGENDA**

**1. Approval of Minutes**

**Regular Planning and Zoning Meeting – April 9, 2008**

**Exhibit: Agenda Report No. 1**

**Recommendation: Motion to approve**

**Motion:** Krieger / Cameron to recommend P&Z approve minutes

**Vote:** All Ayes

**E. PUBLIC HEARING:**

**2. Fencing for Subdivisions (ORD 2008-05)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE V OF THE LAND DEVELOPMENT CODE OF THE TOWN RELATEING TO THE HEIGHT OF FENCES OR WALLS LOCATED ON THE PERIMETER OF A RESIDENTIAL SUBDIVISION; PROVIDING FOR CONDIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit: Agenda Report No. 2**

**Recommendation: Motion to approve**

Chair opened Public Hearing, noted that Public Hearing was advertised. The Chair read Ord. 2008-05 Opening.

**Motion:** Reilly / Krieger to recommend to TC approval of Ord. 2008-05.

Typo found in Ord. 2008-05, Section 1, I, #2, line 1: "...development that is not part of a platted residential lot shall exceed 54 inches." Should read "...development that is not part of a platted residential lot shall not exceed 54 inches."

Cameron noted that six (6) ft fences are not uncommon for large animals. Krieger asked if there should not be some option of go over six (6) ft. Wilbur verifies that this Ord. is related to residential fencing only.

**Motion:** Reilly / Krieger recommend to TC approval of Ord. 2008-05 with the amended change as recorded.

**Vote:** All Ayes

**F. ACTION:** None

**G. DISCUSSION ITEMS – General Items**

**3. Fencing in General**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Discussion and possible action

Presentation given of Town Of Malabar gateways— pictures taken by the Mayor. Each gate/entryway was viewed and discussed as to any violations, problems, or issues.

This discussion was to discuss gateways that would be set past set backs and onto an owner's property and not a gate/entry at the perimeter at individual's property line.

Reilly stated that if the gateways are built into the property by 20 ft, or the setback, then the fence Ord. should not be the rule. Cloutier discussed two safety issues of gateways with electric gates. These gates need to be electronically connected to the Fire Department, so the gate will open for an emergency vehicle with a sound or code. Also, the length of a fire trucks can be up to 30 to 40 ft. and therefore the driveway entry needs to accommodate the length of a truck because the electronic beam on the truck needs to be facing the sensor of the gate. Headwalls can also interfere with fire trucks entering and leaving driveways.

Krieger asked that if such gateways are applied for by a homeowner then those permits should be brought to the Board. Wilbur noted that a gateway description needs to be structured in writing to allow for safe entry of a Fire Truck—heights and width issues. Zindel requested clarification as to how a height is measured. Cloutier stated that the Code states that a fence will be measured at the outside of the property to the top of the fence and that all fences must be built within the owner's property line and not directly on the property line.

Krieger would rather call this topic as "Grand Entryway" or "Entryways" this could reduce the complication of confusing it with the Fence Code. Wilbur noted the need to provide base structure/details for general specifications/criteria of an Entryway. Krieger asked if this issue with the specifications would have to be codified or could this be handled administratively only.

Krieger asked if entryways are not already part of the construction code as an accessory structure. Reilly suggested adding a definition to the Code. Wilbur suggested that this would help with clarifying and avoid confusion. A possible definition could be: Entryways can exceed fence wall heights if it is within the required setbacks.

Cameron stated that residence, especially new residences, need to learn what is and is not allowable within the Town of Malabar. Miscommunication, no communication, or someone just not knowing can cause many misunderstandings. Krieger asked if these issues should be looked at for new construction only since new construction would have to obtain a permit anyway.

Board has determined to leave the Code alone at this time.

**H. OLD BUSINESS/NEW BUSINESS:  
Malabar Vernacular Ordinance**

None

**Foundation Park Boulevard – Update from Town Administrator**

Zindel asked for clarification regarding Zoning of the area and about rezoning. Discussion followed.

**Motion:** Reilly / Krieger put on future agenda until maps and more information can be obtained.

Wilbur asked if there was any information about future building in the Town. Discussed Oakmont Preserves – Changes to plans, fire protection, and preserves around and in the division.

Krieger ask about Stillwater Preserves and fencing around subdivision.

Krieger asked about the culvert pipes on the side of the road. Cloutier clarified that a crane is necessary for installing the culverts; Wilbur added that there is a delay due to monies in order to get a crane with the necessary equipment.

Krieger asks about Serene Harbor and the dirt mounds. Cloutier clarified that the dirt will be utilized when they begin building phase II plans and the demolition of the present building. The trees in the middle of the dirt are currently being protected by the dirt.

**I. ADJOURN:**

**Motion:** Reilly / Krieger to adjourn

**Vote:** All Ayes

Meeting adjourned at: 8:57pm

Michele Kelly  
Michele Kelly, Secretary

Bob Wilbur  
Bob Wilbur, Chairman

May 14, 2008  
Date Approved