

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING MINUTES
March 13, 2024, 6:00 PM

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

1. CALL TO ORDER, PRAYER, AND PLEDGE:

Meeting called to order at 6:00 P.M. Prayer and Pledge led by Chair Dial.

2. ROLL CALL:

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| CHAIR: | DOUG DIAL |
| VICE-CHAIR: | LIZ RITTER |
| BOARD MEMBERS: | SUSAN SHORTMAN |
| | DAVE TAYLOR - ABSENT |
| | MEGHAN WOLFGRAM |
| | ALTERNATE: VACANT, |
| | ALTERNATE: VACANT |

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| BOARD SECRETARY: | LAUREN HAMILTON |
| TOWN CLERK: | RICHARD KOHLER |
| TOWN MANAGER: | LISA MORRELL |

3. APPROVAL OF AGENDA: None.

4. CONSENT AGENDA:

4.a. Approval of Minutes of 03/23/2022

Exhibit: Agenda Report Number 4.a

4.b. Approval of Minutes of 09/14/2022

Exhibit: Agenda Report Number 4.b

4.c. Approval of Minutes of 11/15/2022

Exhibit: Agenda Report Number 4.c

4.d. Approval of Minutes of 01/10/2024

Exhibit: Agenda Report Number 4.d

MOTION: Member Shortman/VC Ritter to approve the Consent Agenda as presented.

VOTE: All Ayes (4-0)

5. PUBLIC COMMENTS: 0

6. PUBLIC HEARING: 0

7. ACTION ITEMS: 1

7.a. Amend Town of Malabar Code 1-5.6 Accessory Buildings to allow Shipping Containers for Storage Only

Exhibit: Agenda Report Number 7.a

Staff Comments: Chair Dial asked TM Morrell to speak on this item. TM Morrell states that the Town Council has made this request and is seeking advisement from the Board. She states the intent is to not allow shipping containers as a dwelling, and only as permanent storage.

VC Ritter requests future agendas have page numbers. She states that item 2b permits 1 cargo unit per 5 acres of agricultural tax-exempt land. Then it says with no minimum acreage to be required which is contradictory. She requests that the no minimum acreage to be required should be eliminated. She states 2c has the same issue and recommends removing the no minimum acreage requirement. Member Shortman believes all properties should be able to have one regardless of acreage. Member Wolfgram states the language is too vague. TM Morrell states this item is open for interpretation. VC Ritter reiterates her request to remove the minimum requirement. Member Shortman states she believes we should not limit the minimum lot size they are allowed on. Member Wolfgram suggests the Board determine the Town's intent on this action, and then finish the minor changes after. TM Morrell states this is purely for advisement. VC Ritter notes that item 4 requires a buffer and setbacks but does not provide any restrictions on how many containers a resident could have. Member Shortman states she believes that if it is in the backyard, buffered, and meets the required setbacks, why should we restrict this? Chair Dial asks if the buffer language is covered in a separate portion of the code. TM Morrell states it is. Chair Dial asks if there are restrictions on how many containers per acre for residential properties? TM Morrell states the number is not at this time, and requests the Board provide a number if they wish to limit it. VC Ritter reiterates her opinion that there should be a limit in residential areas. TM Morrell suggests requiring the buffer and screen to be opaque. VC Ritter states she feels that would ease her objections. Member Wolfgram asks if there would be a conflict on the height of the fences or hedges? TM Morrell states it would not. Member Wolfgram states if an applicant must screen them and meet all other requirements, she doesn't have an issue with this. Chair Dial asks if restricting the number of containers on Agricultural and non-residential properties, why are we not restricting them in residential? TM Morrell states it is mostly an enforcement issue. Member Wolfgram asks if this will create an issue for our local businesses? She uses the example of Malabar Feed. TM Morrell states these are intended to be containers for permanent storage, with no wheels or axels. Chair Dial asks if the Board would like to add a limit to number 4 or do we agree it's self-regulating? VC Ritter states she feels as long as the property owner is using the opaque screening, she has no issues. Member Wolfgram asks if an agricultural property would be required to get a permit? TM Morrell states it would be regulated under the Florida Building Code and would still need a building permit. Chair Dial asks if any board members have final comments? Member Wolfgram states she feels 2b and 2c should be the same. Member Shortman agrees, and suggests the code be consistent. VC Ritter states she feels the Town should restrict use to properties an acre or more. TM Morrell suggests combining 2b and 2c and including a restriction of 1 unit per acre. Consensus is reached to combine 2b and 2c and strike "no minimum acreage being required", opaque screening, and meeting all side and rear yard setbacks. VC Ritter asks how the fees are calculated? TM Morrell states the fee schedule is adopted by Council.

MOTION: VC RITTER /MEMBER WOLFGRAM to approve changes to the Town of Malabar Code of Ordinance, Land Development Code, Article V – GENERAL PROVISIONS, Section 1-5.6, Accessory Buildings, by adding item "E", entitled Cargo Containers for Permanent Storage, and to advise Council of any comments by the board members.

VOTE: All Ayes. Motion Carries 4-0.

8. DISCUSSION/POSSIBLE ACTION: 1

8.a Discussion – Review LDC Table 1-3.3 Size and Dimension Table

Staff Comments: Chair Dial asked TM Morrell for comment. TM Morrell states that there has been a lot of discussion of this item. We are not looking for a motion at this time. She has made a few changes to the format and included the section "Without Central Wastewater". She states outside of replacing that section, there were not many changes. She also cleaned up a few of the footers. The Maximum Building Coverage will also be included as percentages. She is requesting direction on the minimum living square footage for RM-4. VC Ritter states a lot of this information will be determined by setbacks. TM Morrell asks if there should be allowances of single-family residences in RM-4 and RM-6. Member Wolfgram asks if multiple single-family structures can be built in these zoning districts as long as they meet the 1500 sf minimum. TM Morrell states that is what we are here to decide. Chair Dial asks what the easiest way to simplify this table? TM Morrell states that we could find a minimum square footage. VC Ritter suggests including 1500 sq ft as the minimum square footage of RM-4, RM-6 and R/LC. TM Morrell states she can bring back how many parcels this will affect. Member Wolfgram agrees to setting a minimum of 1500 sq ft for all three. VC Ritter also recommends using the same setbacks in RM-4 and RM-6. Members Shortman and Wolfgram agree. VC Ritter also suggests making the bedroom size requirements match as well. TM Morrell states the only difference with these changes will be the maximum units per acre. TM Morrell suggests she will review the past minutes to determine why the sf per bedroom distinction exists currently. Member Wolfgram states she believes this will work. TM Morrell asks the Board to review this Table before their next meeting and provide more feedback at that time. VC Ritter requests the minimum sq ft in RM-4 and RM-6 be swapped, as RM-4 will have more room. Member Wolfgram states it should be consistent and how little do they want to allow. Member Wolfgram asks if the code would limit efficiency building? TM Morrell states no. VC Ritter suggests using the RM-4 numbers for RM-6 and R/LC. Chair Dial agrees. TM Morrell states an overall review of the table would be appreciated. Chair Dial asks if there any other areas Staff would like the Board to review? TM Morrell Commercial Development area. Chair Dial thanks TM Morrell for the improvements to the table. TM Morrell to edit the table with revisions discussed to present at the next meeting along with the data of the number of parcels in all zoning districts.

9. ADDITIONAL ITEMS FOR FUTURE MEETINGS: TM Morrell says there are (4) site plans on deck for P&Z review, none of which are ready yet. Chair Dial requests if the Board would be interested in discussing forward thinking in our Code, 10-years, 30-years from now. Perhaps a workshop that staff could also attend with the P&Z Board. TM Morrell states that is an excellent idea, and we have some Comprehensive Plan Amendments coming forward.

10. PUBLIC COMMENTS

11. OLD BUSINESS/NEW BUSINESS

11.a. Old Business: Clerk Kohler states that the Planning and Zoning Board will be required to file a Form 1 Financial Disclosure Form, not a Form 6. The major change this year is that the forms MUST be submitted online by July 1 directly to the Commission of Ethics. Staff cannot be a repository for the Forms. Chair Dial requests Staff to send a link to the site.

11.b. New Business: Board Member Comments:

Member Wolfgram states in light of the Form 1 requirement, her friend will be happy to serve the board as an alternate and will attend the next meeting. Clerk Kohler will reach back out to the alternate member.

VC Ritter asked if we're doing a Spring Fest or Fall Fest this year. Clerk Kohler advises that we are planning a Fall Fest for October 19.

Chair Dial asks if a vendor was selected for Rocky Point? TM Morrell advises yes. We were out there today. We are waiting for their insurance information and once that is received, we'll issue the Notice to Proceed.

Chair Dial asks what the projected completion date is for the US 1 construction. TM Morrell states that the approved plans can be viewed at www.cflroads.com/project/447092-1. Clerk Kohler states the website has an estimated completion date of Fall 2025.

Member Shortman asks about the PW loader? TM Morrell states the loader is covered under warranty and we're being provided with a loaner.

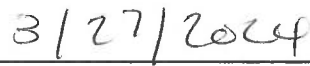
VC Ritter asks if the Board would be willing to move the meeting time to 6:30. Member Shortman states no.

12. ADJOURNMENT

There being no further business to discuss, the meeting adjourned 7:37 P.M.


Lauren Hamilton, Board Secretary

BY: 
Doug Dial, Chair


Date Approved: as presented.