



# Planning and Zoning Board Meeting

Wednesday, August 26, 2020 at 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

#### APPROVAL OF MINUTES

- a. **Approval of Minutes of Planning and Zoning Board Meeting of 08/12/2020**

Exhibit: Agenda Report Number 4a(1) and 4a(2)

Recommendation: Request Approval

#### **Attachments:**

- Agenda Report Number 4a(1) (Agenda\_Report\_Number\_4a\_1\_.pdf)
- Agenda Report Number 4a(2) (Agenda\_Report\_Number\_4a\_2\_.pdf)

#### 5. PUBLIC HEARING : 1

- a. **Applicant, Timothy A. Reynolds, agent for the Property Owner Requests a Zoning Map Amendment from Commercial Limited (CL) to Comply with the Future Land Use Map (FLUM) Designation of Commercial General (CG) in the Comprehensive Plan. The Property is Located at the North West Corner of Malabar Road and Marie Street, Malabar Florida, 32950, Parcel ID# 28-37-36-00-762. The Request is to change the Zoning from Commercial Limited (CL) to Commercial General (CG) in the Town of Malabar.**

Exhibit: Agenda Report Number 5a(1) and Agenda Report Number 5a(2)

Recommendation: Request Action to Council

#### **Attachments:**

- Agenda Report Number 5a(1) (Agenda\_Report\_Number\_5a\_1\_.pdf)
- Agenda Report Number 5a(2) (Agenda\_Report\_Number\_5a\_2\_.pdf)

#### 6. ACTION ITEMS : 1

- a. **Ordinance 2020-12 Amending District Provisions Table 1-3.3(A)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO ARTICLE III, DISTRICT PROVISIONS, AMENDING TABLE 1-3.3(A) PROVIDING FOR THE MINIMUM LIVING AREA OF 1,200 SQUARE FEET FOR SINGLE FAMILY HOME IN RESIDENTIAL/LIMITED COMMERCIAL (R/LC) RM-4 AND RM-6 ZONING; REMOVING MAXIMUM BUILDING COVERAGE OF 0.20

FOR COMMERCIAL USE IN R/LC; PROVIDING FOR SETBACK REQUIREMENTS FOR THE FIVE SPECIFIC PROPERTIES ZONED R/LC AND OFFICE INSTITUTIONAL (OI) WHICH ABUT DEVELOPED PROPERTIES ZONED RURAL RESIDENTIAL (RR-65); AMENDING ARTICLE XIV, SECTION 1-14.5 BY ADDING A NEW SUBSECTION (F) "MINIMUM LANDSCAPE REQUIREMENTS FOR PROPERTIES ZONED R/LC OR OI WHEN SUCH PROPERTIES ABUTS PROPERTY ZONES RR-65; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 6a(1) and Agenda Report Number 6a(2)

**Attachments:**

- Agenda Report Number 6a(1) (Agenda\_Report\_Number\_6a\_1\_.pdf)
- Agenda Report Number 6a(2) (Agenda\_Report\_NUmber\_6a\_2\_.pdf)

**7. DISCUSSION : 1**

**a. Discuss local regulations for Mobile Food Vendors**

Exhibit: Agenda Report Number 7a

Recommendation: Discussion

**Attachments:**

- Agenda Report Number 7a (Agenda\_Report\_Number\_7a.pdf)

**8. ADDITIONAL ITEMS FOR FUTURE MEETING**

**9. PUBLIC COMMENTS**

**10. OLD BUSINESS/NEW BUSINESS**

**a. Old Business**

**b. New Business**

Board Member Comments

Next regular Meeting - June 26th, 2019

**11. ADJOURNMENT**

**TOWN OF MALABAR**  
**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4.a**  
**Meeting Date: August 26, 2020**

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

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**SUBJECT: Approval of Minutes**

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**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 8/12/2020

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

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"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  
AUGUST 12, 2020 7:00 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 7:00 P.M. Prayer and Pledge led by Chair Wayne Abare

**2. ROLL CALL:**

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	GEORGE FOSTER
	DOUG DIAL
	MARY HOFMEISTER
ALTERNATE:	SUSAN SHORTMAN
ALTERNATE:	JEFF RINEHART
BOARD SECRETARY:	DENINE SHEREAR

**ADDITIONAL ATTENDEES:**

TOWN MANAGER	MATTHEW STINNETT
INTERIM TOWN MANAGER	LISA MORRELL
LOBBYIST	BILL BARRETT
MAYOR	MAYOR PATRICK REILLY
COUNCIL MEMBER:	

**3. ADDITIONS/DELETIONS/CHANGE:**

**4. CONSENT AGENDA:**

4.a. Approval of Minutes a. Planning and Zoning Meeting – 3/11/2020

**Motion: Ritter/Hofmeister Approve P&Z Minutes of 3/11/2020 as amended: All Vote: Ayes**

4.b. Approval of Minutes b. Planning and Zoning Meeting – 6/10/2020

4.c. Approval of Minutes c. Planning and Zoning Meeting – 7/08/2020

**Motion: Ritter/Hofmeister Approve P&Z Minutes of 7/08/2020 as amended: All Vote: Ayes**

4.d. Approval of Minutes d. Planning and Zoning Meeting – 7/22/2020

**Motion: Ritter/Hofmeister Approve P&Z Minutes of 7/22/2020 as amended: All Vote: Ayes**

5. PUBLIC HEARING: 0

6. ACTION: 0

7. DISCUSSION: 2

**7.a. Discussion as requested by Planning & Zoning Board to discuss professional funding source for extension of Jordan Blvd to connect with Atz Road for alternate east/west road access for life-safety across railroad tracks. Matt Stinnett, Town Manager & Mr. Bill Barrett, Guest Speaker**

**Exhibit:**

Agenda Report No.7.a

**Recommendation:**

Discussion

Chair Abare begins by reminding the Board that Malabar Road is the only major East/West road in Malabar that crosses the Railroad tracks. This creates a longer wait time for emergency responders to get to residents who live on the other side of the tracks, such as Rocky Point residents and employees at Harris Corp and Data Management. Jordan Blvd crosses the railroad tracks, but it is only accessible to the people working at Harris Corp and Data Management. Chair Abare has spoken to management at Harris Corp and they are considering contributing to expanding this crossing. Chair adds that there is a 100' ROW along Jordan Blvd through the sanctuary. It connects to Atz Road and Marie Street, but Atz Road has a wider ROW.

Town Manager states he has been working on a paved multimodal path that would go south down Marie Street, East down Jordan Blvd, and south from Atz Road into Grant-Valkaria.

Board Member Foster asks the TM what the probability is that we can connect these roads?

TM responds that anything is possible, but it will depend on what resources we must work with. Is the benefit worth the cost? If someone wants to develop the one lot left out there, and Harris wants to chip in, that's something we could work with. However, just the Town and State will likely not be able to cover this cost.

Board Member Reinhart speaks about using the Town's Lobbyist, Mr. Barrett, to go after State funds for assistance on these projects.

Lobbyist states that the State will most likely not provide funds for anything other than conservation.

Vice Chair Ritter reminds the board of all of the past times the EELs program has said they will build a center in Malabar, (Community Park, Weber Woods) and questions if they will finally follow up on a proposal to provide Malabar with a structure to promote eco-tourism.

Chair Abare reminds the Board that fortunately we live in Florida, building a road here is easy. Its flat land. How much would it cost per mile to develop a road?

Lobbyist states a good estimated cost for a two-lane local lane would be 2 million dollars per mile. Says the only way the State will get involved is if the gentleman who owns the middle lot asks for help and applies for grants (roads, utilities). Without Economic development, this is an internal town road, not something the State is interested in.

Chair Abare says that the lot in question is only .25 miles from the current road. How would the state be able to help with the rest?

Lobbyist replies that we could try to convince the state he needs access from the east and west, or the state could help get the project going and the Town would have to complete it to Atz or Marie.

Board Member Foster asks the Lobbyist what the landowner's costs will look like on a project like this?

Lobbyist replies that would be decided when the project is finalized. Everything is negotiated individually.

Chair and TM agree to reach out to landowner and discuss any potential development.

Chair reminds the Board that Harris Corp is a major company. He has seen them pour upwards of 50 million dollars into a project before.

Vice-Chair Ritter states that if we can get the landowner on board, Harris may be more receptive to moving forward with a partner. She asked if Harris could get a rail spur? Chair said it wouldn't be feasible.

Lobbyist states that the State doesn't have any interest in a local neighborhood road. They are interested in projects that can bring revenue and jobs to the State.

TM states that this project should begin with a feasibility study. There are considerable wetlands in the area among other issues.

Vice Chair Ritter asks TM if the Town received any funds from the sale for Fern Creek and Huggins Park?

TM explained that at Fern Creek, the State already owned the land, we just leased it from them. However, he was able to negotiate that the State do extensive stormwater work in the area. Also explained that Huggins Parks is not up for sale yet.

Board Member Foster asked for an update on Malabar Road expansion.

TM explained that it is a very long process. It is currently in the design phase and will be for years to come.

Lobbyist use the St. Johns Heritage Parkway as an example. This was a very high priority project for the TPO, but because of the high startup costs it took 20+ years to begin. Malabar does not have a vote on the TPO, TM has a seat on the advisory board. This is an approximately 70-Million-dollar project, and Malabar Road will be more expensive. It may take a while to get going.

Board Member Reinhart asks what the Town can do to speed the process up?

TM responds that the FDOT wants to see how the new intersection on 95 will reduce the traffic flow on Malabar Road.

Board Member Foster asks if the State will begin the engineering phase in the next 5 years?

TM responds probably not.

Board Member Reinhart says it's not about funding, it's about finding our vision for Malabar's future. What do we want our commercial corridors to look like?

Vice Chair asked about eco-tourism. 20 years ago, this Town said it was going to focus on eco-tourism. That's why there is so much EELs land here.

Board Member Shortman says that the residents want to see a reduction in the fire department.

Board Member Reinhart explained that in Grant, the FD isn't part of their municipal budget, but that residents pay a higher fee through the MSTU for county services.

Chair Abare asks Lobbyist what keeps people away from developing in Malabar?

Lobbyist replies developers want certainty and consistency.

Chair Abare noted that the area around our hospital is vacant. In Melbourne, the area around Health First is surrounded by offices and commercial space. Why is ours surrounded by pastures? Chair Abare realized that this land is not being marketed.

Board Member Shortman comments that a Chamber of Commerce could help with that.

Chair Abare asks what differences do we have from Palm Bay?

Future Interim Manager Morrell states that Palm Bay has a stormwater system, city sewer and water.

Chair Abare states that the rules saying that developer must retain their own stormwater interferes with the developable land on each parcel.

Board Member Foster states that Malabar Road is our biggest asset. It has the highest traffic counts, and an interstate exit. One of our biggest problems is the requirement for commercial development to have city water and sewer. What can we do to get help with this?

Future Interim Town Manager Morrell states that Palm Bay is currently expanding their water system. Its cheaper for developers to put in utilities lines than for municipalities. She suggests the Town ask landowners along Malabar Road if they would like to increase their property value by running a water line to their property. With each lot the water line goes, the more attractive for commercial development it gets.

Board Member Foster discusses possibilities of expanding a Medical Park.

Chair Abare asks Future Interim Town Manager about the stormwater retention requirements on the commercial development in Palm Bay on Malabar Road.

Future Interim Town Manager Morrell States that there are a lot of different factors that decide that, and that they won't be compatible with what we want to see in Malabar.

Lobbyist states that if we make the area around Health First a medical park, Health First will buy it up because they do not want to see competition. They did the same thing when Wuestoff tried to build on Whickham Road in Melbourne.

Board Member Foster asks what Lobbyist what can we do to make some development happen?

Lobbyist says every community is different. The ideal vision is that we want to be rural residential but do commercial growth along the major corridors that have or will have water and sewer.

Lobbyist explained that other municipalities will bend over backwards to help bring in commercial growth, but Malabar seems to have the attitude that developers must do everything to meet the Town's requirements. Businesses will develop where they're wanted. If you want growth, we need to act like it and provide commercial corridors. Provide developers a clear path to be able to develop your commercial corridors. Used the Cities of Longwood, Kissimmee, and Ybor City as examples. Those cities had a vision and provided developers a clear path that allowed development in their vision.

Chair Abare states that as the members of the Board change, the vision will change. We have an excellent opportunity to utilize Mrs. Morrell. She saw what worked and didn't work in Palm Bay and can nudge this board in the right direction.

Vice-Chair Ritter asks if it is possible to limit certain types of businesses? She states that we have a lot of storage facilities in Malabar, and that the Town doesn't see a very high return on those.

Lobbyist responded that adult entertainment is about the only thing that can be limited. If the property is zoned commercial, you should allow any commercial development there.

Future Town Manager Morrell states that the way to do that isn't by limiting development you don't want, but to subsidize development you do want. If you have a new source of income, you can subsidize development of specific commercial areas to encourage that kind of growth.

Board Member Shortman states that the closest thing Malabar has to a Downtown is the stretch of Malabar Road from the Community Park to US 1. If we aren't careful, we will end up with a "hodge podge" of storage units along there.

Chair Abare suggest asking it as a referendum question to the people. Let them decide if they want to maintain their low tax rates and promote commercial growth or increase the tax rate and severely limit commercial growth.

Vice-Chair Ritter and Lobbyist discuss the impact of the Town's Stormwater Master Plan in acquisitioning state funds.

Lobbyist explains that visions change. Don't be afraid to change your vision of this Town.

**7.b. Discuss local regulations for Mobile Food Vendors**

**Exhibit:**

Agenda Report No.7.b

**Recommendation:**

Discussion

Not discussed

**8. ADDITIONAL ITEMS FOR FUTURE MEETING:**

**9. PUBLIC: None**

**10. OLD BUSINESS/NEW BUSINESS:**

Old Business:

New Business:

- Next Regular Meeting- August 26, 2020
- August 26,2020 – LU/ZC Public Hearing

**11. ADJOURN**

There being no further business to discuss

MOTION: Hofmeister/Ritter adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:32 PM.

BY:

\_\_\_\_\_  
Wayne Abare Chair

\_\_\_\_\_  
Denine Sherear, Board Secretary

\_\_\_\_\_  
Date Approved: as presented/corrected:



# TOWN OF MALABAR

## PLANNING AND ZONING BOARD MEETING

**AGENDA ITEM NO: 5.a**  
**Meeting Date: August 26, 2020**

Prepared By: Denine Sherear, Planning & Zoning Board Secretary

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**SUBJECT: Applicant, Timothy A. Reynolds, agent for the Property Owner Requests a Zoning Map Amendment from (CL) to Comply with Future Land Use Map (FLUM) Designation of Commercial General (CG) in the Comprehensive Plan. The Property is located at the NW Corner of Malabar Road & Marie Street, Malabar FL 32950, Parcel 28-37-36-00-762. The request is to change the Zoning from Commercial Limited (CL) to Commercial General (CG) in the Town of Malabar**

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### **BACKGROUND/HISTORY:**

This is a request from the agent for property owner to change the zoning to match the Town's intended use on the Future Land Use Map in the Town's Comprehensive Plan.

The current zoning is Commercial Limited (CL). The Town recently adopted an amended Future Land Use Map (FLUM) that changed this parcel to Commercial General (CG) designation.

Applicant mailed out an informational flyer to area property owners.

Staff supports zoning map amendment request to match the FLUM. T

The Town Council will hear this request at their September 3, 2020 meeting.

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### **ATTACHMENTS:**

Application package from property owner

Legal Advertisement for Florida Today and Notices to property owners based on radius package

### **ACTION OPTIONS:**

Recommendation to Council to Approve the zoning change to comply with FLUM designation.

TOWN OF MALABAR  
2725 Malabar Road, Malabar, Florida 32950  
(321) 727-7764 – Telephone  
(321) 727-9997 - Fax

Date: 7/13/2020

No. 2C-08-2020

APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

Before completing this application, please refer to the attached:

- General Information
- Section 1-12.5 - Procedures for Adopting, Supplementing or Amending the Land Development Code
- Florida Statutes, Chapter 166.041(c)
- Article III - District Provisions

TOWN OF MALABAR

JUL 17 2020

RECEIVED

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s): Timothy A. Reynolds Telephone #: 321-223-9979  
Mailing Address: 1071 Port Malabar Blvd, Suite 109, Palm Bay, FL 32905

Legal description of property covered by application:

Township: 28 Range: 37 East Section: 36  
Lot/Block: n/a Parcel Subdivision: n/a  
Other Legal: See attached Legal Description

Property Address: n/a

- Current and Proposed Comprehensive Plan Land Use Map Designation. The current and proposed Comprehensive Plan Land Use Map designation for the subject property shall be identified: Current: Commercial Limited Proposed: Commercial General
- Current and Proposed Zoning. The current and proposed zoning for the subject property shall be identified: Current: Commercial Limited Proposed: Commercial General
- Existing and Proposed Use. The existing and proposed use of the subject property shall be stated: Current: Vacant Land Proposed: Commercial General

Fees:

- Rezoning - \$625.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs\* shall be paid by the applicant for Residential.
- Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs\* shall be paid by the applicant for Residential.
- Rezoning & Land Use Charges - \$1500.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs\* shall be paid by the applicant for Commercial.

(\*Additional costs may include, but are not limited to engineering fees, attorney fees, etc.)

7/17/2020  
Pd CK # 7298  
\$635.00 (58)

Required Attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$ \$1510.00 in check or money order payable to Town of Malabar. We do not accept cash or credit cards. \$635.00
- Radius package from Brevard County P&Z GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office. (321-633-2060)

Timothy A. Reynolds  
Signature of Applicant


Signature of Applicant

**TOWN OF MALABAR  
APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE**

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a rezoning review of the property.

Please complete only one of the following:

I, Timothy A. Reynolds, being first duly sworn, depose and say that I, Timothy A. Reynolds, am the legal representative of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

 Applicant 7/19/20 Date  
 \_\_\_\_\_ Applicant \_\_\_\_\_ Date

TOWN OF MALABAR  
JUL 17 2020  
RECEIVED

Sworn and subscribed before me this 14th day of July, 2020.

NOTARY PUBLIC  
STATE OF FLORIDA



Commission No.: GG 338674 My Commission Expires: 9/23/23

~~I, \_\_\_\_\_, being first duly sworn, depose and say that I, \_\_\_\_\_, am the Owner of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.~~

~~\_\_\_\_\_ Applicant \_\_\_\_\_ Date  
 \_\_\_\_\_ Applicant \_\_\_\_\_ Date~~

~~Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.~~

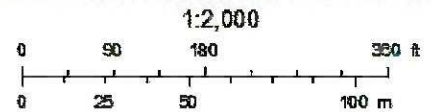
~~NOTARY PUBLIC  
STATE OF FLORIDA~~

~~Commission No.: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_~~

# Brevard County Property Appraiser



August 11, 2020



2846850

For illustration only. Not a survey. Map layers may not precisely align.  
© BCPAO 2015

Timothy A. Reynolds  
3870 Garvin Lake Drive  
Palm Bay, FL 32905  
14 July 2020

TOWN OF MALABAR

JUL 17 2020

RECEIVED

Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950

**Subject: Rezoning of property on NW corner of Malabar Rd and Marie Street from CL to CG**

Dear Sir or Madam,

In accordance with the future land use, we respectfully submit this application for a zoning change of the property described as follows from Commercial Limited to Commercial General.

**SURVEYOR'S DESCRIPTION:**

A part of the Southeast 1/4 of the Southeast 1/4 of Section 36, Township 28 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of aforesaid Section 36, Township 28 South, Range 37 East, run N0°35'32"E along the East line of said Section 36 a distance of 1,306.40 feet; thence N89°40'29"W a distance of 15.00 feet to the West Right-of-Way Line of Marie Street, said point also being the Northeast corner of Lots 29-30 as shown on the plat of INDIAN RIVER FRUIT AND TRUCK LANDS AT MALABAR, FLORIDA, as recorded in Plat Book 2, Page 95, Public Records of Brevard County, Florida, said point also being the POINT OF BEGINNING of the herein described parcel; thence run S0°35'32"W parallel with the east line of aforesaid Section 36 a distance of 111.47 feet to the Northerly Right-of-Way Line of Malabar Road (State Road No. 514); thence S67°59'40"W along said Northerly Right-of-Way Line a distance of 469.83 feet to the West line of Property described in Official Records Book 2316, Page 2394, Public Records of Brevard County, Florida; thence N0°35'32"E parallel with aforesaid East line of Section 36 a distance of 289.81 feet to the North line of aforesaid Lots 29-30; thence S89°40'29"E along said North line a distance of 433.35 feet to the Point of Beginning.

Contains 1.996 Acres, more or less.

The planned use is to build a 5,000 sqft +/- 20% stand-alone facility that will house the Wild Manta, LLC Design Headquarters. Wild Manta, LLC is a family business 100% owned by my family and performs software development and component engineering. Our main activity is office work using standard computers, development, simulation and design tools along with a small prototyping lab. We have an employee base of approximately 10 employees with minimal secondary traffic.

In order to support this Application, we respectfully submit the completed application, check for payment of fees, survey, excerpt from purchase contract showing authority for requesting zoning change, as well as the Radius package from Brevard County P&A GIS Department.

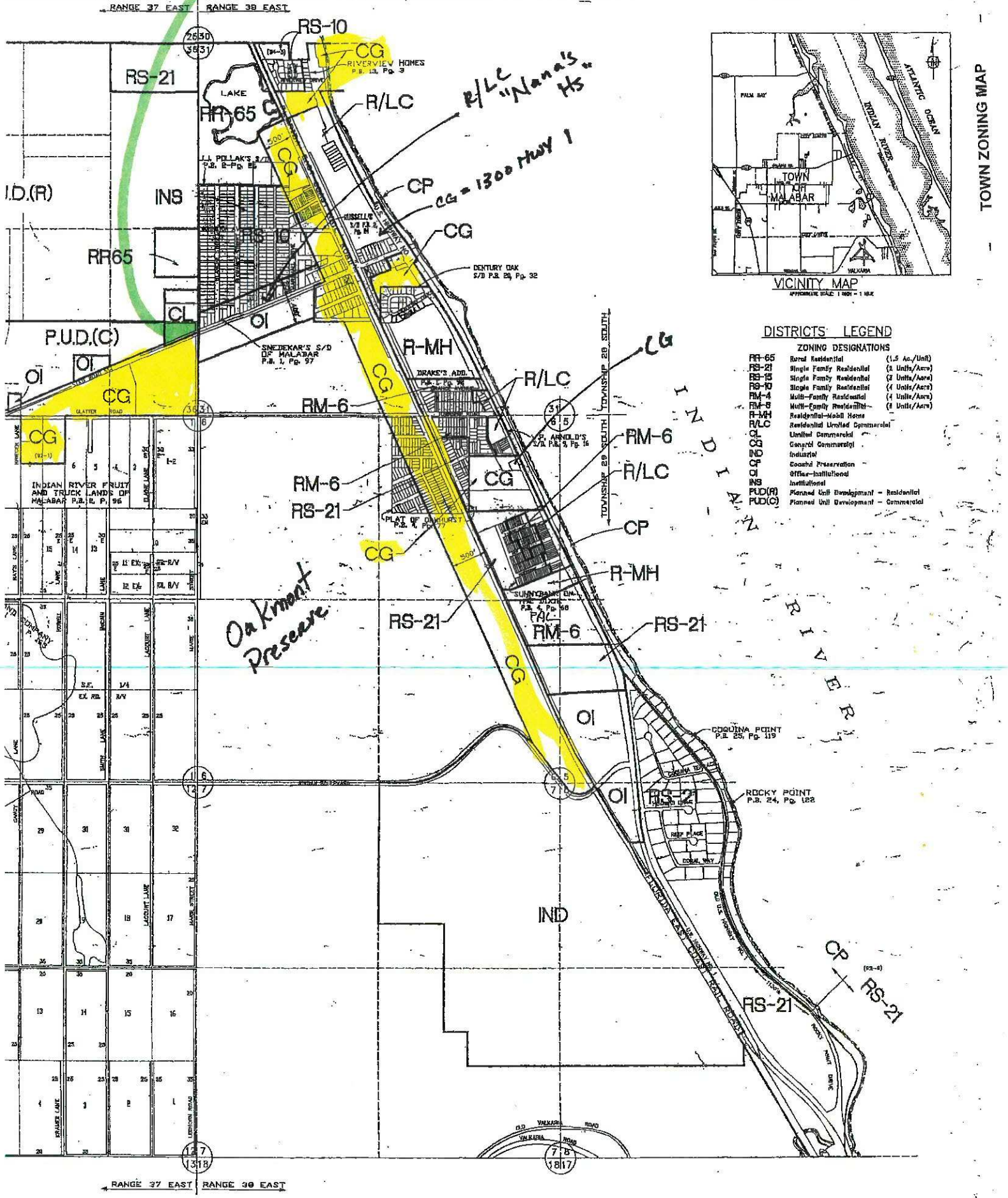
Sincerely,



Timothy A. Reynolds  
3870 Garvin Lake Drive

Unit  
Cove  
SUA

# Property Location



**DISTRICTS' LEGEND**

**ZONING DESIGNATIONS**

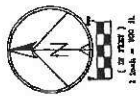
RR-65	Rural Residential	(1.5 Ac./Unit)
RS-21	Single Family Residential	(2 Units/Acre)
RS-10	Single Family Residential	(2 Units/Acre)
RS-15	Single Family Residential	(2 Units/Acre)
RM-6	Multi-Family Residential	(4 Units/Acre)
RM-4	Multi-Family Residential	(4 Units/Acre)
RM-8	Multi-Family Residential	(2 Units/Acre)
R-MH	Residential Medium Density	(2 Units/Acre)
R/LC	Residential Limited Commercial	
CG	General Commercial	
CP	Community Planned Development - Residential	
CP	Community Planned Development - Commercial	
IND	Industrial	
CO	Coastal Preservation	
IO	Office-Institutional	
INS	Institutional	
PUD(R)	Planned Unit Development - Residential	
PUD(C)	Planned Unit Development - Commercial	



# TOWN OF MALABAR FUTURE LAND USE MAP

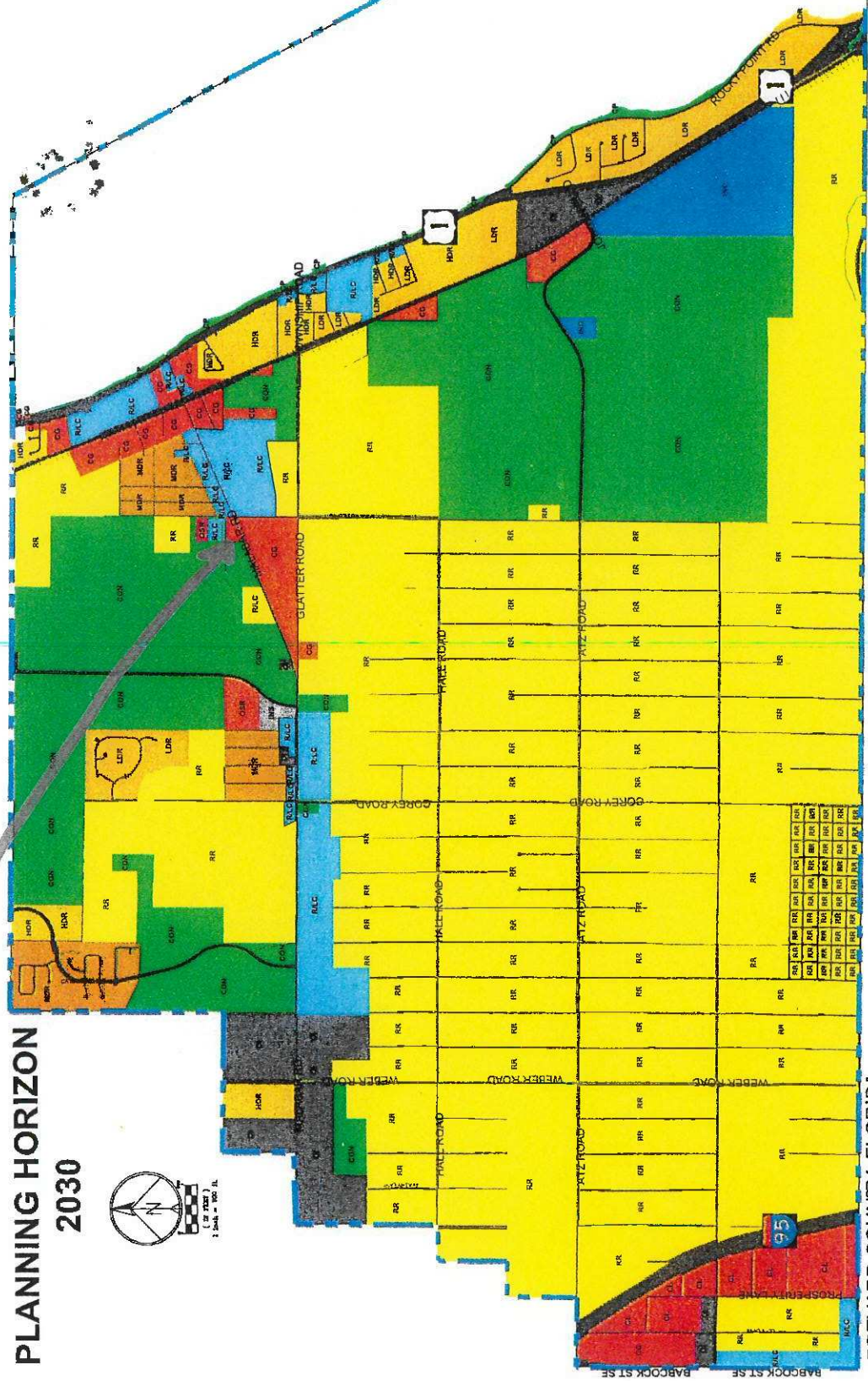
*Property location*

**PLANNING HORIZON  
2030**



LAND USE DESIGNATIONS	
[Color]	RESIDENTIAL LIMITED COMMERCIAL (RLC)
[Color]	HOUSING DENSITY RESIDENTIAL-1 UNITS PER ACRE (R1D)
[Color]	MEDIUM DENSITY RESIDENTIAL-4 UNITS PER ACRE (R4D)
[Color]	LOW DENSITY RESIDENTIAL-3 UNITS PER ACRE (R3D)
[Color]	RURAL RESIDENTIAL-1 UNITS PER 1/4 ACRE (R1Q)
[Color]	COMMERCIAL GENERAL (CG)
[Color]	COMMERCIAL LIMITED (CL)
[Color]	INDUSTRIAL (I)
[Color]	OFFICE INSTITUTIONAL (OI)
[Color]	ARTISANAL (AR)
[Color]	OFFICE SPACE AND RECREATION (OSR)
[Color]	MULTI-FAMILY RESIDENTIAL OR OFFICE SPACE (MFR)
[Color]	CONSERVATION (CON)
[Color]	RECREATIONAL SERVICES (RS)
[Color]	RAV (RESIDENTIAL OR COMMERCIAL)
[Color]	COASTAL PRESERVE (CP)
[Color]	STATEWIDE MUNICIPAL SCHOOL ZONING
[Color]	ROAD 1 (111111) ALLROAD

THIS IS THE PROPERTY THAT IS THE SUBJECT OF THE ORIGINAL PLANNING HORIZON 2030 LAND USE MAP FOR THE TOWN OF MALABAR, FLORIDA. THE PROPERTY IS LOCATED AT THE INTERSECTION OF STATE ROAD 1 AND ROCKY POINT RD. OF THE TOWN OF MALABAR, FLORIDA.



BREVARD COUNTY, FLORIDA  
PRINTED 20/21 AUGUST 2021



TOWN OF MALABAR

AUG 03 2020

RECEIVED

Dear Malabar Resident,

You may have noticed the signs for re-zoning that recently were placed on the property on the North-West corner of Malabar Road and Marie Street. The re-zoning we requested is to change the property from Commercial Limited to Commercial General to align with the Town of Malabar future land use plan. Following the re-zoning, it is our intent to build and re-locate the corporate headquarters of Wild Manta, LLC to the Town of Malabar. Wild Manta is a family owned and operated professional software, electrical, and mechanical engineering design and development company that specializes in innovative applied research in the areas of marine systems, precision geolocation, remote sensors, and imaging. Our primary model for operations is office work using standard computers, design and simulation software and electronics. We are not a manufacturer, assembly/repair station nor do we work with hazardous materials. Typical office hours are 8am-5pm M-F with a staff of approximately 10 employees. We are 100% US Owned and operated as a privately held entity.

The planned structure will be approximately 5,000 sqft and will complement the rural wooded nature of the area with a blend of the Malabar Vernacular style and tasteful landscaping. We are still working with the developer on the precise elevation and site plan, but our goal is to make the new Wild Manta facility a showplace along Malabar Road of which the entire community can be proud. We are keenly aware of the prominent position this property plays in establishing the character of the intersection and look forward to working with the community.

Feel free to contact us if you have any questions. We look forward to re-locating our corporate headquarters to Malabar, Florida and would appreciate your support in this re-zoning request.

Respectfully,

Tim Reynolds  
 Wild Manta, LLC  
 321-676-8606



### NOTICE OF PUBLIC HEARINGS

**CASE NO. ZC-08-2020**

The Public Hearings will be conducted at the Town of Malabar Council Chambers, 2725 Malabar Road, Malabar, FL 32950

Planning and Zoning Board Meeting:  
Wednesday, **August 26**, 2020 @ 7:00 pm

Town Council Meeting:  
Thursday, **September 3**, 2020 @ 7:30 pm

**APPLICANT: Timothy A. Reynolds**

**REQUEST: ZONING CHANGE FROM CL TO CG**

**LOCATION: PARCEL ID # 28-37-36-00-762, NW CORNER OF MARIE STREET MALABAR ROAD, MALABAR FLORIDA**

This re-zoning application may be inspected by the public at the Town Clerk's Office between the hours of 8:30AM and 5:00PM weekdays. Interested persons are encouraged to appear at these hearings and provide comments regarding the proposed ordinances. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764, Debby Franklin, Town Clerk.

**FOR MORE INFORMATION  
CONTACT THE BUILDING DEPARTMENT  
AT (321) 727-7764 X 14**





# Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

## PROPERTY DETAILS

Account	2846316
Owners	Shephard, James; Shephard, Evelyn; Shephard, Gladys M
Mailing Address	2105 Bignonia St Melbourne FL 32901
Site Address	Not Assigned
Parcel ID	28-37-36-00-762
Property Use	1000 - Vacant Commercial Land
Exemptions	None
Taxing District	34Z0 - Malabar
Total Acres	1.97
Subdivision	--
Site Code	0381 - Malabar Rd (Sr514)
Plat Book/Page	0000/0000
Land Description	Part Of SE 1/4 Of SE 1/4 As Des IN Db 299 Pg 287

## VALUE SUMMARY

Category	2019	2018	2017
Market Value	\$70,920	\$66,980	\$55,160
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$36,570	\$33,250	\$30,230
Assessed Value School	\$70,920	\$66,980	\$55,160
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$36,570	\$33,250	\$30,230
Taxable Value School	\$70,920	\$66,980	\$55,160

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
07/01/1981	--	WD	--	2316/2394

No Data Found

100 MALABAR ROAD, SUITE 1  
 PALM BEACH, FLORIDA 33487  
 (561) 847-4770  
 www.smithsurveying.com  
**SMITH SURVEYING & MAPPING, INC.**  
 MAP OF SURVEY  
 CERTIFICATE OF AUTHORIZATION L.B. 7428

North line - Section 36 - Township 28 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:  
 North line - Lots 29-30  
 S89°40'29"E  
 433.54±(R)  
 433.35 (M)

West line - Property described - O.R.B. 2316, Page 2394  
 289.81 (M)  
 292.4 (R)

Tax Parcel No. 762  
 Vacant  
 1.986 Ac.±

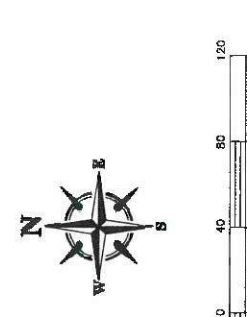
POINT OF BEGINNING  
 Marie Street  
 111.47 (M)  
 12.82 (R)

East line - Section 36 - Township 28 South, Range 37 East  
 N03°32'E  
 1,308.47  
 33.00  
 33.00  
 436.38 (M)  
 419.60 (R)

MALABAR ROAD (STATE ROAD NO. 514)  
 33.00  
 33.00  
 436.38 (M)  
 419.60 (R)

Southeast Corner - Section 36, Township 28 South, Range 37 East  
 33.00  
 33.00  
 436.38 (M)  
 419.60 (R)

Center Post set and large part of fence on corner  
 33.00  
 33.00  
 436.38 (M)  
 419.60 (R)



**SURVEYOR'S DESCRIPTION:**  
 A part of the Southeast 1/4 of Section 36, Township 28 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:  
 Commencing at the Southeast corner of aforesaid Section 36, Township 28 South, Range 37 East, run N89°40'29"E a distance of 15.00 feet to the West Right-of-Way Line of Marie Street, said Point also being the Northwest Corner of Lots 29-30 as recorded in Plat Book 2, Page 95, Public Records of Brevard County, Florida, said point also being the POINT OF BEGINNING of the herein described parcel; thence run S0°35'32"W parallel with the east line of aforesaid Section 36 a distance of 111.47 feet to the North line of Marie Street; thence run North 12.82 feet to the Point of Beginning; thence run North 11.47 feet to the Southeast Corner of Section 36, Township 28 South, Range 37 East, Brevard County, Florida, thence run North 33.00 feet to the Southeast Corner of Section 36, Township 28 South, Range 37 East, Brevard County, Florida, thence run North 33.00 feet to the Southeast Corner of Section 36, Township 28 South, Range 37 East, Brevard County, Florida, thence run North 436.38 feet to the Point of Beginning.

Contains 1.986 Acres, more or less.  
 CURRENT ZONING:  
 ZONED C1 (COMMERCIAL LIMITED) WITH A FUTURE  
 LAND USE OF C3 COMMERCIAL GENERAL

ACCORDING TO MAP NO. 120200014, G.  
 DATED MARCH 17, 2014, THIS PROPERTY  
 LIES IN PDS# 506-1-A.

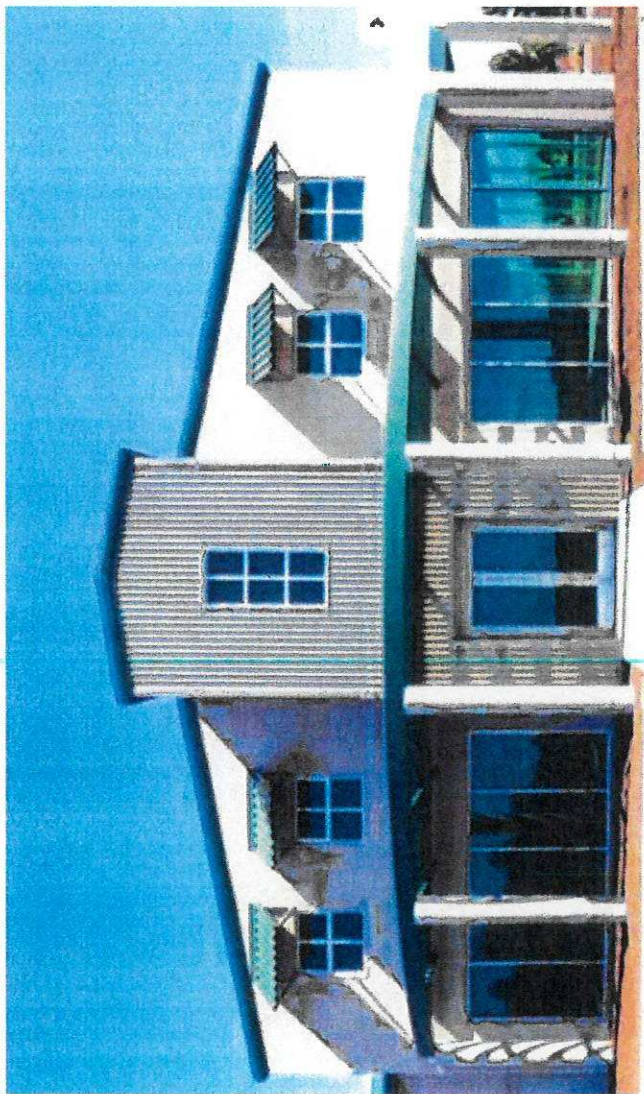
THIS SURVEY DOES NOT REFLECT OF OBTAINABLE OWNERSHIP  
 COPYRIGHT 2020 SMITH & ASSOCIATES SURVEYING AND MAPPING, INC.  
 ALL RIGHTS RESERVED. NO PART OF THIS SURVEY MAY BE REPRODUCED OR  
 TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL,  
 INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE  
 AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM SMITH & ASSOCIATES  
 SURVEYING AND MAPPING, INC.

**LEGEND:**  
 1 - 1/4" = 100' SCALE  
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SEE ABOVE FOR LEGAL DESCRIPTION  
 TYPE: BOUNDARY SURVEY  
 SURVEY DATE: JULY 1, 2020  
 JOB NUMBER: 20-0921  
 DRAWN BY: P.A.D.  
 SCALE: 1" = 40'

TOWN OF MALABAR  
 JUL 17 2020  
 RECEIVED

18





Town of Malabar, 2725 Malabar Road, Malabar, FL 32950  
321-727-7764 (Office) 321-727-9997 (Fax) [www.townofmalabar.org](http://www.townofmalabar.org)

To: [brelegals@gannett.com](mailto:brelegals@gannett.com)

July 21, 2020

From: Debby Franklin, Town Clerk, Town of Malabar, Acct # 126287

Please place the following legal ad one time on Thursday, August 13, 2020. Please put the heading in **BOLD** font. Please send proof via email to: [townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org) and mail ONE affidavit to 2725 Malabar Road, Malabar, FL 32950.

**TOWN OF MALABAR  
NOTICE OF PUBLIC HEARINGS**

The Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Wednesday August 26, 2020 at 7:00 PM to consider a request from the representative of the property owner for a Zoning Map change from Commercial Limited (CL) to Commercial General (CG) to match the current Future Land Use Map Designation for a 1.97+/- acre site located at the NW corner of Marie Street and Malabar Road, Parcel ID 28-37-36-00-762. The applicant is Timothy A. Reynolds, agent for the Property Owner.

The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Thursday, September 3, 2020 at 7:30 PM or as soon thereafter as the matter can be heard, to conduct a public hearing on the same request and to consider the recommendation from the Planning and Zoning Board. The Zoning Change is incorporated into Ordinance 2020-09.

Copies of this document are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. *All interested parties may email comments to [townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org) or mail comments to 2725 Malabar Road, Malabar, FL 32950 or appear and be heard at these meetings of the Planning and Zoning Board and Town Council with respect to this topic.*

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer.



# NOTICE OF PUBLIC HEARINGS

CASE NO. ZC- 08 -2020

The Public Hearings will be conducted at the Town of Malabar Council Chambers, 2725 Malabar Road, Malabar, FL 32950

Planning and Zoning Board Meeting:  
Wednesday, **August 26**, 2020 @ 7:00 pm

Town Council Meeting:  
Thursday, **September 3**, 2020 @ 7:30 pm

APPLICANT: Timothy A. Reynolds

REQUEST: ZONING CHANGE FROM CL TO CG

LOCATION: PARCEL ID # 28-37-36-00-762, NW CORNER OF MARIE STREET MALABAR ROAD, MALABAR FLORIDA

This re-zoning application may be inspected by the public at the Town Clerk's Office between the hours of 8:30AM and 5:00PM weekdays. Interested persons are encouraged to appear at these hearings and provide comments regarding the proposed ordinances. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764, Debby Franklin, Town Clerk.

FOR MORE INFORMATION  
CONTACT THE BUILDING DEPARTMENT  
AT (321) 727-7764 X 14

**TOWN OF MALABAR**

**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 6.a.**  
**Meeting Date: August 26, 2020**

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

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**SUBJECT: Ordinance 2020-12 Amending District Provisions Table 1-3-3.3(A)**

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**BACKGROUND/HISTORY:**

**See attached Packet**

**ATTACHMENTS:**

- Package from Debby Franklin, C.M.C., Town Clerk/Treasurer

**ACTION OPTIONS:**

Request Action to Council

# AGENDA REPORT 6.a.

## TOWN OF MALABAR

### MEMORANDUM

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**Date:** August 20, 2020 2020-TC/T-031  
**To:** Denine Sherear, Bldg. Dept. Manager, P&Z Board Secretary  
**From:** Debby K. Franklin, C.M.C., Town Clerk/Treasurer  
**Ref:** Request for Planning & Zoning Board Review

---

This ordinance provides for information and guidance in the District Provisions that had been previously discussed but never formally adopted. Those two topics are:

- The **R/LC, RM-4 and RM-6** Zoning classifications lacked the *Minimum Living Area* for single family residences. This ordinance sets that square footage at 1,200 for living area.
- Corrects the discrepancy in Table 1-3.3(A) of *maximum building coverage (MBC)* in R/LC Zoning for commercial development by deleting the .20 in the **MBC** column. The legal opinion from the Town Attorney is that the maximum building coverage in R/LC Zoning for commercial development is 4,000sf regardless of the size of the property.

---

The additional issue included in this ordinance creates an amended **Note 5 on the Table 1-3.3(A)** and relates to five specific parcels on the south side of Malabar Road that are 1,320 feet in depth and now have the *Lane Use designation of either OI or R/LC*, allowing commercial development. For these five parcels alone, there will be additional setback and buffering requirements when the property owner develops the parcel commercially. The additional setback is included in the Note 5. Note 5 also refers the reader to Article XIV, Section 1-14.5 and adds a new subsection "F" as proposed by Council at their meeting of August 3, 2020.

The intent of these additional regulations for these specific parcels is to protect the existing Rural Residential development to the south of these parcels. Council has determined this will ensure the Rural residential character in the Town is protected.

Staff would request Planning and Zoning Board to review this ordinance and provide a recommendation for the Council meeting of September 17, 2020 when this ordinance is scheduled for first reading.

## ORDINANCE 2020-12

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT TO ARTICLE III, DISTRICT PROVISIONS, SECTION 1.3.3, TABLE 1-3.3(A) OF THE LAND DEVELOPMENT CODE, PROVIDING CORRECT LANGUAGE FOR THE MINIMUM LIVING AREA OF 1,200 SQUARE FEET FOR SINGLE FAMILY HOMES IN RESIDENTIAL/LIMITED COMMERCIAL (R/LC) RM-4 AND RM-6 ZONING; REMOVING MAXIMUM BUILDING COVERAGE 0.20 FOR COMMERCIAL USE IN R/LC; PROVIDING FOR ADDITIONAL SETBACK REQUIREMENTS FOR THE FIVE SPECIFIC PROPERTIES ZONED RESIDENTIAL/LIMITED COMMERCIAL OR OFFICE INSTITUTIONAL WHICH ABUT DEVELOPED PROPERTIES ZONED RR-65; AMENDING ARTICLE XIV, SECTION 1-14.5 BY ADDING A NEW SUBSECTION (F) REQUIRING ADDITIONAL BUFFERING REQUIREMENTS FOR THE FIVE SPECIFIC PROPERTIES ZONED RESIDENTIAL/LIMITED COMMERCIAL OR OFFICE INSTITUTIONAL WHICH ABUT DEVELOPED PROPERTIES ZONED RR-65; PROVIDING FOR CODIFICATION AND REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, The Town Council has determined there is a need to clarify Table 1-3.3(A) of Article III, District Provisions, to state that 1,200 is the minimum square footage for single family homes in Residential/Limited Commercial (R/LC) and RM-6 zoning; and

**WHEREAS**, The Town Council has determined there is a need to eliminate the conflict in Table 1-3.3(A) of Article III, District Provisions, by deleting the 0.20 in the Maximum Building coverage column for R/LC as the maximum floor area is stated as 4,000 square feet for commercial development in Residential/Limited Commercial (R/LC); and

**WHEREAS**, The Town Council has determined there is a need to add additional setback requirements when the five (5) Commercially designated parcels on the south side of Malabar Road that are 1,320' in depth, are developed commercially and those additional regulations are detailed in amended Footnote 5 of Table 1-3.3(A) as directed by Town Council on August 3, 2020. Map of parcels is attached as EXHIBIT B.

**WHEREAS**, The Town Council has determined there is a need to add additional buffering requirements when the five (5) Commercially designated parcels on the south side of Malabar Road that are 1,320' in depth, are developed commercially and those additional regulations are detailed in amended Article XIV, Section 1-14.5 adding a new subsection (F) as directed by Town Council on August 3, 2020. Map of parcels is attached as EXHIBIT B.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:**

**Section 1.** Table 1-3.3(A) is hereby amended as directed above to reflect the 1200sf requirement for single family homes in Residential/Limited Commercial (R/LC) RM-4 and RM-6 zoning as shown on attached EXHIBIT A.

**Section 2.** Table 1-3.3(A) is hereby amended to eliminate the .20 in the maximum building coverage column (MBC) See attached Table 1-3.3(A) labeled EXHIBIT A.



**Section 3.** Table 1-3.3(A) Size and Dimension Regulations in Article III of the Land Development Code is hereby amended to amend footnote "5" to read as follows:

"5. Where any yard of residential/limited commercial, office institutional, or industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet. Provided however, that if the abutting residential district shall be zoned RR-65, then the building setback for such yard shall be 200 feet and shall comply with the additional landscaping requirements of Section -14.5 (F) of Article XIV of the Town Land Development Code."

**Section 4.** Section 1-14.5 of Article XIV is hereby amended to add a new subsection (F) to read as follows:

"(F) MINIMUM LANDSCAPE REQUIREMENTS FOR PROPERTY ZONED COMMERCIAL, INDUSTRIAL, INSTITUTIONAL OR OFFICE WHEN SUCH PROPERTY ABUTS PROPERTY ZONED RR-65"

1. Notwithstanding any other provision of this Article or Code, no building, parking lot or space, road or travel way or storage area shall be constructed on any property zoned Commercial, Industrial, Institutional or Office within two hundred (200) feet of a perimeter property line which abuts property zoned RR-65, hereinafter referred to the "Perimeter Area". Required drainage facilities may be located within the "Perimeter Area"; provided, however, that the landscape requirements in subsection 2 below shall be complied with..

2. In addition to the requirements of subsection 1 above, the two hundred (200) foot Perimeter Area shall comply with the provisions of Section 1-7.2. F.

**Section 5.** Codification.

It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, that the provisions of this ordinance be codified into the next supplement update of the Land Development Code of the Town of Malabar, Florida.

**Section 6.** Severability.

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected, and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**Section 7.** Conflicts.

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

**Section 8.** Effective Date.

This ordinance shall take effect immediately upon its adoption.

This ordinance was moved for adoption by Council Member \_\_\_\_\_ . This motion was seconded by Council Member \_\_\_\_\_ , and being put to a vote, the vote was as follows:

Council Member District 1 Grant Ball	_____
Council Member District 2 Brian Vail	_____
Council Member District 3 Steve Rivet	_____
Council Member District 4 David Scardino	_____
Council Member District 5 Danny White	_____

This Ordinance adopted after the regular meeting of the Town of Malabar Town Council on October 5, 2020.

**TOWN OF MALABAR**

**By:**

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

Planning & Zoning Bd: 8/26/2020

RTCM 1<sup>st</sup> Reading: 9/17/2020

RTCM 2<sup>nd</sup> Reading: 10/5/2020

(seal)

ATTEST:

\_\_\_\_\_  
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

Approved as to Legal Sufficiency:

\_\_\_\_\_  
Karl W. Bohne, Jr., Town Attorney

# EXHIBIT A

**TABLE 1-3.3 (A) SIZE AND DIMENSION REGULATIONS See numbered Notes below**

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Sq Ft Living Area Commercial Area	Setback (ft.) from property line or centerline(2) <i>See also Note 5</i>				MISR (%)	MBC	MOS	Maximum Density (units per acre) residential use only
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (interior)	Side (corner)				
<b>Rural Residential Development</b>													
RR-65	65,340	150	250	35/3	Single Family: 1500	40	30 (7)	30	30	20	N/A	80	1
<b>Traditional Single-Family Residential Development</b>													
RS-21	21,780	120	150	35/3	1,800	35	15	20	15	35	N/A	65	2
RS-15	15,000	100	120	35/3	1,500	30	15	20	15	45	N/A	55	3
RS-10	10,000	75	100	35/3	1,200	25	10	20	10	50	N/A	50	4
R/LC	20,000	100	150	35/3	1,200	25	10	20	10	50	N/A	50	2
RM-4				35/3	1,200								
RM-6				35/3	1,200								
<b>Multiple Family Residential Development and Mixed-Use Development</b>													
RM-4	5-acre min Site	200	200	35/3	Multi Family 1-bedrm 900 2-bedrm 1100 3-bedrm 1300 Each additional bedroom 120	60	40	40	40	50	N/A	50	4
RM-6	5-acre min Site	200	200	35/3	Multi Family 1-bedrm 500 2-bedrm 700 3-bedrm 900 Each additional bedroom 120	60	40	40	40	50	N/A	50	6
R/LC	20,000	100	150	35/3	Multi Family 1-bedroom 500 2-bedroom 700 3-bedroom 900 Each additional bedroom 120	50	25 (5)	25	10 (4)	65	N/A	35	6
R/LC	20,000	100	150	35/3		50	25 (5)	25	10 (4)	65	20 N/A	35	6

TABLE 1-3.3 (A) SIZE AND DIMENSION REGULATIONS See numbered Notes below

Zoning	Lot Size	Width	Depth	Max Height	Floor Area	Setback Front(2)	Rear (5)	Side (I) interior	Side (C) corner	MISR %	MBC %	MOS %	Residential Units per acre
<b>Mobile Home Residential Development</b>													
R-MH	Size: 5 acres Lot: 7000sf	N/A	N/A	N/A	N/A	10	8	10	50	N/A	50	6	
<b>Office Institutional Development</b>													
OI	20,000	100	150	35/3	Minimum floor Area: 1,000sf	35/60 (2)	25 (5)	25	65	20	35	N/A	
INS	20,000	100	150	35/3	Minimum floor Area: 1,200sf	50	25	30	60	20 (6)	40	N/A	
<b>Commercial Development</b>													
CL	20,000	100	150	35/3	Minimum floor Area: 900sf Max: 4,000sf	50	25	20 (4) 15 (3)	65	20	35	N/A	
CG	20,000	100	150	35/3	Minimum floor Area: 1,200sf Min hotel/motel 300sf ea unit	50	25	20 (4) 15 (3)	65	20	35	N/A	

Note 1: Minimum lot size include plus one-half of adjacent public right-of-way.

Note 2: Setbacks determined pursuant to Table 1-3.3(A) or (E) whichever is most restrictive.

Note 3: Setbacks where rear lot line abuts an alley.

Note 4: Setback shall be greater where side property line abuts a district requiring a larger setback. In such cases the more restrictive abutting setback shall apply

**Note 5: Where any yard of residential/limited commercial, office institutional, or industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet. Provided however, that if the abutting residential district shall be zoned RR-65, then the building setback for such yard shall be 200 feet and shall comply with the additional landscaping requirements of Section -14.5 (E) of Article XIV of the Town Land Development Code.**

Note 6: Recreation activities Maximum Building coverage shall be 20%

Note 7: Sides and rear may be reduced to 15' for accessory structures only and will increase in proportion with the maximum height of the accessory structure, i.e. if the height of the accessory structure is 20 feet, this will equal a 20-foot setback.

EXHIBIT B

Brevard County Property Appraiser

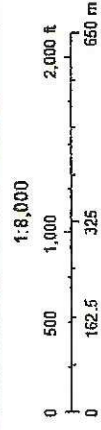


- 1 - Parcel ID: 29-37-03-01-\*.1-1.01
- 2 - Parcel ID: 29-37-03-01-\*.1
- 3 - Parcel ID: 29-37-03-01-\*.2-01

*house*

- 4 - Parcel ID: 29-37-02-00-254
- 5 - Parcel ID: 29-37-02-00-251

August 21, 2020



28448860

For file traision only. Not a survey. Map buyers may not proceed with. © BCPAO 2015

**TOWN OF MALABAR**

**PLANNING AND ZONING**

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 7.a.**  
**Meeting Date: August 26, 2020**

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

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**SUBJECT: Discuss local Regulations for Mobile Food Vendors**

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**BACKGROUND/HISTORY:**

The PZ Board discussed the regulations a few times in the past and it is before our Board per Chair Wayne Abare.

Also, reviewed was Senate Bill 474 for Food Vendor Regulations as discussed by PZ Board at a past meeting this has to do with licensing and locations.

**Handouts will be given at meeting.**

**ATTACHMENTS: 0**

**ACTION OPTIONS:**

Discussion