



# Planning and Zoning Board Meeting

Wednesday, January 25, 2023 at 6:00 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

#### APPROVAL OF MINUTES

**a. Approval of Minutes of 01/11/2023**

Exhibit: Agenda Report Number 4a

**Attachments:**

- **Agenda Report Number 4a** (Agenda\_Report\_Number\_4a.pdf)

5. PUBLIC COMMENTS
6. PUBLIC HEARING
7. ACTION ITEMS

**a. Amending the Land Development Code to allow "Limited" Manufacturing in the R/LC, CL and CG Commercial Land Use and Commercial Zoning Districts**

Originally Presented by Mayor Patrick T. Reilly

Exhibit: Agenda Report Number 7a

**Attachments:**

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

8. DISCUSSION/POSSIBLE ACTION ITEMS
9. ADDITIONAL ITEMS FOR FUTURE MEETING
10. PUBLIC COMMENTS
11. OLD BUSINESS/NEW BUSINESS

- a. Old Business
- b. New Business

Board Member Comments

Next regular Meeting - February 8th, 2023

12. ADJOURNMENT

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

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4.a.**  
**Meeting Date January 25, 2023**

**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. These minutes 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 01/11/2023

**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  
JANUARY 11, 2023, 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 (by Liz Ritter) and Pledge led by Chair Wayne Abare.

**2. ROLL CALL:**

CHAIR:	WAYNE ABARE
VICE-CHAIR:	DOUG DIAL
BOARD MEMBERS:	LIZ RITTER
	DAVE TAYLOR
	SUSAN SHORTMAN
ALTERNATE:	MEGHAN WOLFGRAM
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR
ADDITIONAL ATTENDEES:	PATRICK T. RIELLY, MAYOR

**3.SWEAR IN NEW BOARD MEMBERS:**

**4. APPOINT CHAIR & VICE CHAIR POSITIONS:**

**5.ADDITIONS/DELETIONS/CHANGE:**

**6. CONSENT AGENDA:1**

**6.a. Approval of Minutes** Planning and Zoning Meeting – 12/14/022

<b>Exhibit:</b>	Agenda Report No. 6.a
<b>Recommendation:</b>	Request Approval

**Motion: Dial/Shortman to Approve Minutes of 12/14/2022 as corrected**

**Voted: All Ayes**

Shortman, Dial, and Ritter.

**7. PUBLIC COMMENTS**

**8. PUBLIC HEARING:0**

**9. ACTION ITEMS:1**

**9.a. Last review Amending the Land Development Code to allow “Limited” Manufacturing in the R/LC, CL, and CG Commercial Land Use and Commercial Zoning Districts. (Originally Presented by Mayor Patrick T. Reilly on September 14, 2022)**

<b>Exhibit:</b>	Agenda Report No. 9.a.
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<b>Recommendation:</b>	Request/Action to Council
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Abare explained to the Board the progress of this Land Use Amendment, the document will go from here to staff/Town attorney and reviewed before it moves on to Council.

Mayor Pat Reilly 1945 Howell Lane, clarifications for

- #9 page 44 "Prior to" cited within Section 1-2.6 and Section 1-2.7.
- Other in #9 & #10 "may be" in place of which are. (in both paragraphs)
- Council wants something about hazardous materials.

Wolfgram/Ritter suggested not using large excess quantities only a day-to-day activity of hazardous materials.

Consensus of the Board to send to Staff for review as suggested by Mayor Reilly. Abare said that the Board will review one last time.

Ritter went over changes for this meeting and discussed.

Shortman asked about #10 services and capitalization on number 10.

- 10. **DISCUSSION:**
- 11. **ADDITIONAL ITEMS FOR FUTURE MEETING**
- 12. **PUBLIC COMMENTS**
- 13. **OLD BUSINESS/NEW BUSINESS:**

Old Business:

New Business:

Board Member Comments

Board discussed list of permits applied for the last 3 months.

Abare explained the Sunshine Laws to new Members. New Board Members received booklet on the Sunshine Laws.

- **Reminder:** Next Meeting –January 25, 2023

**14. ADJOURN**

There being no further business to discuss, MOTION: Shortman / Dial to adjourn this meeting.

Vote: All Ayes. The meeting adjourned 6: 45 P.M.

BY:

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

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

\_\_\_\_\_  
Date Approved: as presented

# TOWN OF MALABAR

## PLANNING AND ZONING

### AGENDA ITEM REPORT

**AGENDA ITEM NO: 7.a.**  
**Meeting Date January 25,2023**

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

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SUBJECT Amend the Land Development Code, to include “Limited” Manufacturing in certain zoning districts; Residential /Limited Commercial (R/LC), Commercial Limited (CL), and Commercial General (CG).

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#### **BACKGROUND/HISTORY:**

At the last PZ Meeting on January 11, 2023, it was discussed to have Board Member Liz Ritter/ Denine Sherear, Board Secretary to submit final suggestions from this meeting of January 11, 2023, to amend the Land Development Code to include “Limited” Manufacturing in certain zoning districts.

The Board will review all suggestions and forward the Amended Land Developing Code for “Limited Manufacturing” to staff with a motion to send to Council.

Discussion Items to include the following:

- **Submit *Final Draft* to Staff & Council**

#### **ACTION OPTIONS:**

Review / Action to Staff & Council

**AGENDA 7.a.**

**PZ BOARD FINAL DRAFT FOR LAND DEVELOPMENT CODE SECTION 1-2.6 LAND CLASSIFICATIONS**

9. Limited Manufacturing Activities. This land use classification is intended to accommodate small, limited item shops with limited inventory serving a specialized market with customized service demand-and which are to be conducted in a fully enclosed building. This classification is intended to include the following:

- Manufacturing or processing of electronic &/or computer components, optical instruments, electrical appliances, or other precision components.
- Assembly and distribution of goods.
- Maintenance, repair, reconditioning, and cleaning.
- Printing;
- Limited packaging and processing activities;
- Research and development technology;
- Small machine shops

Other similar limited manufacturing activities may be approved by the Town Council after receipt of a recommendation from the Planning and Zoning Board. The uses may exclude chemical or petroleum manufacturing, rubber or plastics manufacturing, or other use generating potentially harmful nuisance impacts such as noise, vibrations, glare, dust, explosive or fire hazard, offensive odors beyond the property line, or air or water pollution.

May not store large excess quantities of hazardous materials. This Land Use is intended to only have small day to day quantities of hazardous materials located in a controlled environment.

Prior to approving any such "similar" use, the Town Council shall render a finding that the use is similar to the uses identified herein and will produce impacts similar in nature to impacts generated by those activities specifically permitted herein. The burden of proof resides with the applicant. The procedures and criteria for review of such uses shall be as cited within the following Section 1-2.6 and Section 1-2.7.

10. Limited Manufacturing Services, Services such as Customer & Call Support; Low Impact Machinery &/or Electronic Device Repair or other service uses approved by the Town Building Official based on similarity of use, excluding services which may generate potentially harmful nuisance impacts; and which are to be conducted in a fully enclosed building and based on absence of any characteristic dissimilar and incompatible with the uses identified herein.

Other similar limited manufacturing services may be approved by the Town Council after receipt of a recommendation from the Planning and Zoning Board. The uses may exclude, chemical or petroleum manufacturing, rubber or plastics manufacturing, or other use generating potentially harmful nuisance impacts such as noise, vibrations, glare, dust, explosive or fire hazard, offensive odors beyond the property line, or air or water pollution.

May not store large excess quantities of hazardous materials. This Land Use is intended to only have small day to day quantities of hazardous materials located in a controlled environment.

## Article III DISTRICT PROVISIONS

### Section 1-3.2. Land use by districts.

Table 1-3.2 "Land Use by Districts" stipulates the permitted and conditional uses by district.

Permitted uses are uses allowed by right provided all applicable regulations within the land development code are satisfied as well as other applicable laws and administration regulations. Conditional uses are allowable only if approved by the Town pursuant to administrative procedures found in Article VI. The applicant requesting a conditional use must demonstrate compliance with conditional use criteria set forth in Article VI.

No permitted use or conditional use shall be approved unless a site plan for such use is first submitted by the applicant. The applicant shall bear the burden of proof in demonstrating compliance with all applicable laws and ordinances during the site plan review process. Site plan review process is set forth in Article X.

Cross reference(s)—Alcoholic beverages, ch. 4Cross reference(s)—.

TABLE 1-3.2. LAND USE BY DISTRICTS															
	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP	
<b>RESIDENTIAL USES</b>															
Duplex					P	P					P				
Mobile Homes							P								
Multiple Family Dwelling					P	P					P				
Single Family Dwellings	P	P	P	P	P	P	P				P				
<b>COMMUNITY FACILITIES</b>															
Administrative Services (Public and Not-for-Profit)								P	P	P	P		P		
Child Care Facilities								C			C		C		
Churches, Synagogues and Other Places of Worship								P, A <sup>1</sup>	P	C	C		P		
Clubs and Lodges (Not-for-Profit)									P	P					
Cultural or Civic Activities								P	P	P	P		P		
Educational Institutions								C, A <sup>1</sup>					C		
Golf Course Facilities	C														
Hospital and other Licensed Facilities								C					C		
Nursing Homes and Related Health Care Facilities					C	C		C					C		
Protective Services					C	C	C	C	C	C	C	C	C	C	
Public Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Public and Private Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<b>COMMUNITY RESIDENTIAL HOME</b>															
Level 1 (1 to 6 residents/beds)	C <sup>3</sup>				C	C									
Level 2 (7 to 14 residents/beds)					C	C							C		

ASSISTED CARE COMMUNITIES													
I Assisted Living Facility													
Level 1 (1 to 5 residents/beds)		C	C	C	C <sup>4</sup>	C <sup>4</sup>					C		
Level 2 (6 to 15 residents/beds)					C <sup>4</sup>	C <sup>4</sup>							
Level 3 (16 or more residents/beds)					C <sup>4</sup>	C <sup>4</sup>							
II Adult Family-Care Homes													
(1 to 5 residents/beds)	C <sup>3</sup>	C	C	C	C	C					C		
III Adult Day Care Centers					C	C		C			C		C
AGRICULTURAL ACTIVITIES													
Noncommercial Agricultural Operations	P												
Wholesale Agricultural Activities	P												
Commercial Stables	C												
COMMERCIAL ACTIVITIES													
Adult Activities										C			
Bars and Lounges										C			
Bed and Breakfast											p <sup>1</sup>		
Business and Professional Offices							P	P	P	P	P	P	
Enclosed Commercial Amusement									P				
Arcade Amusement Center/ Electronic Gaming Establishment									C <sup>2</sup>				
Funeral Homes								P	P	C			
General Retail Sales and Services									P				
Hotels and Motels									P				
Limited Commercial Activities								P	P	P			
<u>Limited Manufacturing Activities</u>								<u>C</u>	<u>P</u>	<u>C5</u>			
<u>Limited Manufacturing Services</u>								<u>C</u>	<u>P</u>	<u>C5</u>			
Marine Commercial Activities									C*				
Medical Services							P	P	P	P			
Mini Warehouse/Storage								C	P		P		
Parking Lots and Facilities							P	P	P	P		P	
Retail Plant Nurseries								P	P	P			
Restaurants (Except Drive-Ins and fast food service)								P	P	P			
Restaurants (Drive-ins)									P				
Service Station, Including Gasoline Sales									C*		C*		
Trades and Skilled Services									P		P		



	Veterinary Medical Services								P	P	P	C	P		
	Vehicular Sales and Services										C*		P		
	Vehicular Services and Maintenance										C*		P		
	Wholesale Trades and Services										C*		P		
INDUSTRIAL ACTIVITIES															
	Kennels												C		
	Manufacturing Activities												P		
	Manufacturing Service Establishments												P		
	Vehicle and Other Mechanical Repair and Services										C*		P		
	Warehouse, Storage and Distribution Activities												P		
WATER DEVELOPMENT NONCOMMERCIAL ACTIVITIES															
	Noncommercial piers, boat slips, and docks														C

C	=	Conditional Use
P	=	Permitted Uses
A	=	Accessory Use
*	=	These uses are permitted only on sites abutting Babcock Street, US 1, West Railroad Avenue, Garden Street and Pine Street.
1	=	Allowing up to 1,000 square feet of a church or educational institution for the housing of a caretaker or security guard serving the church or educational institution. No such use shall be allowed unless administrative approval is granted by the Town.

<sup>1</sup> Any Bed and Breakfast which is proposed to have more than five (5) living quarters shall only be approved as a conditional use in accordance with Article VI of the Land Development Regulations.

<sup>2</sup> Any Arcade Amusement Center and Electronic Gaming Establishment as defined herein shall only be approved as a conditional use in accordance with Article VI of the Malabar Land Development Code.

<sup>3</sup> Allowed in RR-65, (1 to 2 residents/beds) as defined in FS Title XXX Chapters 419 & 429

<sup>4</sup> ALF Factor of "3" (see section I-2.6.B.13.B, Part I) only applies to RM-4 & RM-6 for ALF's

**5 Subject to FL State law association with CS/HB 403 related to Home-based Businesses which outlines allowances and restrictions such as property use, residents, parking, signage, and federal, state and local regulations related to use/storage/disposal of hazardous materials.**

(Ord. No. 94-4, § 3, 4-3-95; Ord. No. 97-3, § 2, 3-17-97; Ord. No. 05-01, § 1, 3-7-05; Ord. No. 06-19, § 1, 1-11-07; Ord. No. 12-48, § 2, 1-23-12; Ord. No. 14-01, § 3, 2-3-14; Ord. No. 2016-03, § 1, 2(Exh. A), 10-3-16; Ord. No. 20-02, §§ 1, 2, 3-2-20