



# Planning and Zoning Board Meeting

Wednesday, March 13, 2024 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 3/23/2022**  
Exhibit: Agenda Report Number 4.a.

#### Attachments:

- **Agenda Report Number 4.a.** (Agenda\_Report\_Number\_4.a..pdf)

- b. **Approval of Minutes of 9/14/2022**  
Exhibit: Agenda Report Number 4.b.

#### Attachments:

- **Agenda Report Number 4.b.** (Agenda\_Report\_Number\_4.b..pdf)

- c. **Approval of Minutes of 11/15/2022**  
Exhibit: Agenda Report Number 4.c.

#### Attachments:

- **Agenda Report Number 4.c.** (Agenda\_Report\_Number\_4.c..pdf)

- d. **Approval of Minutes of 1/10/2024**  
Exhibit: Agenda Report Number 4.d.

#### Attachments:

- **Agenda Report Number 4.d.** (Agenda\_Report\_Number\_4.d..pdf)

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

- a. **Amend Town of Malabar Code 1-5-6 Accessory Buildings to Allow Shipping Containers for Storage Only**  
Exhibit: Agenda Report Number 7.a.

**Attachments:**

- **Agenda Report Number 7.a.** (Agenda\_Report\_Number\_7.a..pdf)

**8. DISCUSSION/POSSIBLE ACTION ITEMS**

**a. Review LDC Table 1-3.3 Size and Dimensions Table**

Exhibit: Agenda Report Number 8.a.

**Attachments:**

- **Agenda Report Number 8.a.** (Agenda\_Report\_Number\_8.a..pdf)

**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 - March 27, 2024

**12. ADJOURNMENT**

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Contact: Richard Kohler (townclerk@townofmalabar.org 1321727764) | Agenda published on 03/08/2024 at 5:02 PM

# TOWN OF MALABAR

## Planning and Zoning Board Meeting

**AGENDA ITEM NO: 4.a.**  
**Meeting Date: March 13, 2024**

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Approve Minutes of 3/23/2022 Planning and Zoning Board Minutes**

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**BACKGROUND/HISTORY:**

Summary of actions at the Planning and Zoning Board of 03/23/2022.

**ATTACHMENTS:**

- Draft Minutes of the P&Z Board of 3/23/2022

**ACTION OPTIONS:**

Review

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
MARCH 23, 2022, 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 Wayne Abare.

**2. ROLL CALL:**

CHAIR:	WAYNE ABARE
VICE-CHAIR:	DOUG DIAL, EXCUSED
BOARD MEMBERS:	LIZ RITTER
	GEORGE FOSTER, EXCUSED
	SUSAN SHORTMAN
ALTERNATE:	BARBARA CAMERON
ALTERNATE:	JEFF RINEHART, UNEXCUSED
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

INTERIM TOWN MANAGER:

Chair Abare noted that Alternate Cameron will be a voting member this meeting.

**3. APPROVAL OF AGENDA:**

**4. CONSENT AGENDA:1**

**4.a. Approval of Minutes** Planning and Zoning Meeting – 11/10/2021

**Exhibit:** Agenda Report No. 4.a  
**Recommendation:** Request Approval

**Motion: Shortman/Cameron to Approve Minutes for November 11, 2021, as presented, All Vote; ALL Aye**

PZ Board went over the November 11, 2021, minutes and approved as presented.

**5. PUBLIC HEARING: 0**

**6. ACTION ITEMS: 0**

**7. DISCUSSION: 1**

Abare asked about EEL's project, Sherear responded everything is in the discussion mode at this time and Council did not have any information to forward to PZ Board.

Cameron attended the Council Meeting on 3/21/2022 concerning the EEL's Sanctuary closure and shared with the Board the discussion from that meeting. Cameron said that the EEL's were going to remove the trees and only leave 1 tall tree per acre and remove all other trees, grind them, and burn them in the Scrub Jay Sanctuary.

Cameron discussed that EEL's has already done this in the Jordan Scrub area, and it will take 5 years for anything to grow back in the area. Page 4

The Board discussed that the property involved is state property Shortman/Ritter/Cameron discussed the Scrub Jay Sanctuary.

Cameron said that EEL's is going to sell the 14,000 trees. Everything is on hold until an agreement is reached between the Town & EEL's.

The Board discussed the new subdivision Twin Lakes and asked about CO's and new building permits in town.

The Board asked about upcoming commercial development. Sherear shared a few inquiries that could be upcoming.

**8. ADDITIONAL ITEMS FOR FUTURE MEETING**

**9. PUBLIC COMMENTS**

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

Old Business:

New Business:

Abare suggested to Recommend to Council to remove Jeff Rinehart from PZ Board and give someone else a chance to be an alternate.

Reminder: Next Meeting April 13, 2022.

**11. ADJOURN**

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

Vote: All Ayes. The meeting adjourned 6:47 P.M.

BY:

\_\_\_\_\_  
Doug Dial, Chair

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

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

# TOWN OF MALABAR

## Planning and Zoning Board Meeting

**AGENDA ITEM NO: 4.b.**

**Meeting Date: March 13, 2024**

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Approve Minutes of 9/14/2022 Planning and Zoning Board Minutes**

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**BACKGROUND/HISTORY:**

Summary of actions at the Planning and Zoning Board of 09/14/2022.

**ATTACHMENTS:**

- Draft Minutes of the P&Z Board of 09/14/2022

**ACTION OPTIONS:**

Review

**“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  
SEPTEMBER 14, 2022, 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 Wayne Abare.

**2. ROLL CALL:**

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	DOUG DIAL
	GEORGE FOSTER, EXCUSED
	SUSAN SHORTMAN
ALTERNATE:	VACANT
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR
ADDITIONAL ATTENDEES:	PATRICK T. RIELLY, MAYOR
	LISA MORRELL, SPECIAL PROJECTS MANAGER
	MARY HOFMEISTER, COUNCIL MEMBER
TOWN MANAGER:	

Sherear stated that Board Member Foster called and asked to be excused.

**3. APPROVAL OF AGENDA:**

**4. CONSENT AGENDA:1**

<b>4.a. Approval of Minutes</b>	Planning and Zoning Meeting – 03/23/2022
<b>Exhibit:</b>	Agenda Report No. 4.a
<b>Recommendation:</b>	Request Approval

The March 23, 2022, PZ Minutes will be available next meeting for review & approval.

**5. PUBLIC COMMENTS: 0**

**6. PUBLIC HEARING: 0**

**7. ACTION ITEMS:0**

**8. DISCUSSION:1**

**8.a. Discuss and Review verbiage to allow “Light” Manufacturing in the R/LC, CL, and CG Commercial Land Use and Commercial Zoning Districts. (Presented by Mayor Patrick T. Reilly)**

<b>Exhibit:</b>	Agenda Report No. 7.a.
<b>Recommendation:</b>	Discussion/Action

Abare explained that the Mayor Patrick Reilly wants to discuss with the PZ Board Light Industrial in three of the Town's commercial zonings. Mayor Reilly put together a package to present to the PZ Board.

Patrick Reilly, 1985 Howell Lane, Malabar – Town of Malabar Mayor

Mayor said that almost all the Industrial land in the Town was sold to the Environmentally Endangered Lands program or to the State of Florida. In doing this, the Town has lost growth concerning Industrial Land in the State of Florida. We now have Federal, State, and local agencies that govern emissions control.

The L3 Harris and Data Management on Jordan Blvd are all commercial manufacturing facilities that are in the Industrial zoning along US 1. You see no emission or pollution in the air and no noise generated by these facilities. It is all done in an enclosed concrete or manufactured building allowing minimal outdoor activities. Reilly believes that small scale facilities like these would fit well in the R/LC zoning districts along US 1, Malabar Road, and Babcock Street. Presently, the Commercial General Land Use District definition does not allow this use.

Reilly said he is presenting this to the PZ Board to see if they are willing to discuss at future meetings changing the Commercial General district definition to allow the use of "Light Manufacturing" in the Land Uses (R/LC, CL, and CG).

Reilly went through PowerPoint packet for this meeting on 9/14/2022 that he submitted about the Land Development Code.

Reilly went through presentation and discussed with PZ Board suggestions for clarification to allow "Light Manufacturing" in Commercial General Districts. He requests they make suggestions and bring back to the next meeting their thoughts, ideas, and review.

Reilly suggested having a small workshop allowing input from small businesses to interact.

Reilly would like a vote from this Board to go forward with a discussion on allowing "Light Manufacturing" in the following Land Use districts R/LC- Residential/ Limited Commercial, CL- Commercial Limited, and CG- Commercial General.

Abare suggested to go around to each Board Member for brief comment on motion.

- Dial - good idea and glad Reilly presented
- Shortman - she is for it, good idea
- Ritter - she is for it, a small building, down sized
- Abare - suggested that this Board would take a few meetings to wordsmith the suggestions

Abare inquiries with Morrell about going through the steps to wordsmith and red-line suggestions, would staff look at this first?

Morell responded that yes, the staff would review for conflicts and to see if more is needed to move forward with a final product. A suggestion would be to have outsiders come in before the final product is adopted to allow for hearing suggestions from similar businesses.

Reilly suggested the PZ Board tackles this first and make recommendations, then give to staff.

Dial/ Ritter to have workshop with outside businesses as an introduction to allowing this Light Manufacturing in our Town in Commercial General land uses. This would be for informational purposes only.



Abare suggests the following:

- 1.) Draft of suggestions
- 2.) Give to staff to check for conflict of Ordinances

Reilly said that staff does not have to live in Malabar, they do not have the vision. The only thing staff can do is review the code.

Ritter suggests businesses come to get information from them. Abare said that this Board can suggest and review and send to staff draft to see if Board is going in the right direction.

Dial said to have a meeting or two to discuss.

**Motion: Ritter/Shortman Discuss and Review verbiage to allow "Light" Manufacturing services in the R/LC, CL, and CG Commercial Land Use and Commercial Zoning Districts. C. All Vote: Aye**

**Vote 4 to 0 to move forward for PZ to discuss.**

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

Old Business:

New Business:

Board asked about building in the Town of Malabar. Sherear said we have SFR permits coming into town on a regular basis in subdivisions and throughout the Town.

Reminder: Next Meeting – September 28, 2022

**12. ADJOURN**

There being no further business to discuss, MOTION: Shortman / Ritter to adjourn this meeting. Vote: All Ayes. The meeting adjourned 7:06 P.M.

BY:

\_\_\_\_\_  
Doug Dial, Chair

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

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

# TOWN OF MALABAR

## Planning and Zoning Board Meeting

**AGENDA ITEM NO: 4.c.**  
**Meeting Date: March 13, 2024**

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Approve Minutes of 11/15/2022 Planning and Zoning Board Minutes**

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**BACKGROUND/HISTORY:**

Summary of actions at the Planning and Zoning Board of 11/15/2022.

**ATTACHMENTS:**

- Draft Minutes of the P&Z Board of 11/15/2022

**ACTION OPTIONS:**

Review

**“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  
NOVEMBER 15, 2022, 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 Wayne Abare.

**2. ROLL CALL:**

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	DOUG DIAL. EXCUSED DAVE TAYLOR SUSAN SHORTMAN
ALTERNATE:	
ALTERNATE:	MEGHAN WOLFGRAHAM
BOARD SECRETARY:	DENINE SHEREAR
ADDITIONAL ATTENDEES:	MAYOR PATRICK REILLY
TOWN MANAGER:	LISA MORRELL

The board secretary states there is a quorum.

**3. SWEAR IN NEW BOARD MEMBERS**

Chair Abare swore in Doug Dial & Susan Shortman Board Members.

**4. APPOINT CHAIR AND VICE-CHAIR**

Mayor Reilly presents Oath's to Wayne Abare & Liz Ritter, PZ Board Members.

Ritter/ Shortman nominates Doug Dial for Chair. All Vote: All Ayes

Taylor/ Shortman nominate Liz Ritter for Vice-Chair All Vote All Ayes

The Board discussed only having one meeting per month. That being, the 4<sup>th</sup> Wednesday of the month.

**5. APPROVAL OF AGENDA**

**6. CONSENT AGENDA**

a. Approval of Minutes of Planning and Zoning Board Meeting 10/26/2022

**Motion: Ritter/ Shortman to Approve Minutes as corrected for October 26, 2022; ALL: Aye**

PZ Board went over the October 26, 2022, minutes and approved as corrected.

- 7. PUBLIC COMMENTS:0
- 8. PUBLIC HEARINGS: 0
- 9. ACTION ITEMS: 1

**9.a. Discussion continued with Board suggestions to amend the Land Development Code to allow “Limited” Manufacturing R/LC, CL, and CG Commercial Land Use and Commercial Zoning Districts.**

The Mayor presented the Land Development code to the Board and made suggestions for review. The Board discussed the Land Development code to allow limited manufacturing.

- 10. DISCUSSION/POSSIBLE ACTION ITEMS: 0
- 11. ADDITIONAL ITEMS FOR FUTURE MEETING: 0
- 12. PUBLIC COMMENTS: 0
- 13. OLD BUSINESS/NEW BUSINESS:

Old Business:

New Business:

Reminder: Next Meeting – December 21, 2022

**14. ADJOURN**

There being no further business to discuss, MOTION: Shortman / Ritter to adjourn this meeting.  
Vote: All Ayes. The meeting adjourned 7:11 P.M.

BY:

\_\_\_\_\_  
 Doug Dial, Chair

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

\_\_\_\_\_  
 Date Approved: as corrected

# TOWN OF MALABAR

## Planning and Zoning Board Meeting

**AGENDA ITEM NO: 4.d.**

**Meeting Date: March 13, 2024**

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Approve Minutes of 01/10/2024 Planning and Zoning Board Minutes**

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**BACKGROUND/HISTORY:**

Summary of actions at the Planning and Zoning Board of 01/10/2024.

**ATTACHMENTS:**

- Draft Minutes of the P&Z Board of 01/10/2024

**ACTION OPTIONS:**

Review

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING MINUTES  
January 10, 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 Doug Dial.

**2. ROLL CALL:**

CHAIR:	DOUG DIAL
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	SUSAN SHORTMAN DAVE TAYLOR MEGHAN WOLFGRAM ALTERNATE: VACANT, ALTERNATE: VACANT
BOARD SECRETARY:	DENINE SHEREAR
TOWN CLERK:	RICHARD KOHLER
TOWN MANAGER:	LISA MORRELL
MAYOR:	PATRICK T. REILLY

**3. APPROVAL OF AGENDA:** None.

**4. CONSENT AGENDA:**

**4.a. Approval of Minutes of 1/11/2023**

Exhibit: Agenda Report Number 4.a

Comments: BM Shortman provided a correction in the last paragraph, page 4. Should be "For Review before it moves on to Council."

**4.b. Approval of Minutes of 4/26/2023**

Exhibit: Agenda Report Number 4.b

Comments: BM Shortman provided a correction on page 7, should be "Board agreed with the suggestions brought forward."

**4.c. Approval of Minutes of 5/10/2023**

Exhibit: Agenda Report Number 4.c

Comments: BM Shortman provided a correction for the spelling of "Burden" at the bottom of page 10.

**4.d. Approval of Minutes of 7/26/2023**

Exhibit: Agenda Report Number 4.d

Comments: BM Shortman suggests cleaning up the motion for Minutes being approved on Page 14. She also noted a spelling issue in the date on the same page. Page 15 should correct next meeting date.

**4.e. Approval of Minutes of 10/25/2023**

Exhibit: Agenda Report Number 4.e

Comments: Chair states he believes that these minutes have not been reviewed by the Board yet. Approved as presented.

**4.f. Approval of Minutes of 11/08/2023**

Exhibit: Agenda Report Number 4.f

Comments: Chair provides a correction in line 1, adding an apostrophe, and correcting the spelling of returning. BM Wolfgram suggests clearing up the first sentence on page 23. Chair also adds an apostrophe under 8.a. BM Shortman suggests stating "Table 1-3.3A".

**MOTION: BM Shortman/BM Wolfgram to approve the consent agenda as amended.**

**VOTE: All Ayes (5-0)**

**5. PUBLIC COMMENTS**

**6. ACTION ITEMS:1**

**6.a. Consideration of Shipping Containers – Storage and Dwellings**

Exhibit: Agenda Report Number 6.a

Discussion: Chair Dial asked TM Morrell to speak on this item. TM Morrell states that this discussion was generated by an article in Florida Today, as well as resident inquiries. The Florida Building Code does allow them. Malabar requires a minimum of 1,500 sq/ft. Does this Board wish to recommend to Council that we allow or disallow these in Malabar? Staff will work to compile an Ordinance for Board review, then to Council for final approval. Staff has provided two options, one code where they are allowed, and one where they are not.

VC Ritter states she does not think they should be allowed for residential use. She would be willing to support them for agricultural use. BM Shortman states that in her experience, she has seen many strong and beautiful container homes. She feels that container homes are more resilient. VC Ritter states she likes them in the mountains, but not as much in Malabar. BM Shortman states she has also seen multi-family units in them. She is not sure how they would have running water or toilets. TM Morrell states that to get a Certificate of Occupancy, they must have water and waste facilities. The Florida Building Code governs these types of dwellings. The Town can add additional requirements but cannot under regulate them.

Chair states that he has a family friend who built a surf camp in Mexico using the 7-8 storage containers. TM Morrell states we do not have to include this in the code. It is currently allowed per the Florida Building Code, but we can prohibit it or provide additional requirements. Chair states the code provided in the agenda allows this only in certain zonings. Would we do that in Malabar as well? TM Morrell states that is a possibility. We can restrict them to certain zoning districts. VC Ritter states she feels they would not be wanted in small lot residential neighborhoods.

BM Wolfgram states the adaptations she has seen go to great lengths to make them safe and aesthetically pleasing. Her current office building has Connex containers inside the office building as workspaces. These are very expensive projects. Her other concern is putting too many restrictions on building materials.

BM Taylor asks for clarity, Polk County does not allow it, and Lakeland allows it, correct? TM Morrell states yes, that is correct. Chair asks TM Morrell if she feels this is a growing trend? TM Morrell states yes, but it is an expensive trend. These are highly engineered and expensive construction. BM Taylor states upon further review, he feels there are limited downsides to this proposal. They look nice and are structurally sound. VC Ritter asks what would happen if we did nothing? TM Morrell states it would be governed by the Florida Building Code. VC Ritter asks what problems that may bring if we leave the code the way it is now. TM Morrell states it would be mostly residents asking questions. They would still be required to meet all existing portions of

the Town Code. BM Wolfgram states the fear might be that someone would place one in dirt and live there. TM Morrell states that would be a Code Enforcement issue. TM Morrell then provided a brief explanation on Code Enforcement actions and policies.

Public Comments: Mayor Pat Reilly, 1985 Howell Lane – Mayor Reilly states the provided codes are great examples. He suggests adopting the Polk County code restricting habitation. He states that his past experiences with them were unfavorable. He feels they do not meet the Malabar aesthetic, they rust poorly, and attract unsavory characters. He does not think they belong in Malabar. Chair Dial asks the Mayor if he feels the existing code requirements (1500 sf) will mitigate the use of them in Malabar? Mayor Reilly states he feels that if the current code allows people to build these, people will build them. He also asks if the Board would like to live next to a residential Connex container. He lives next to some that are used for storage, but he feels they are an eyesore. He is personally against the use of Connex containers for residential dwellings. He would suggest allowing them for storage only in RR-65. BM Wolfgram asks if someone would be allowed to use a cut up Connex box as a building material? Mayor Reilly states our code does not govern siding. TM Morrell states in neighboring municipalities there are sleek and modern looking Connex Box homes. BM Wolfgram asks if it would be a worthy endeavor to try and create one as an example. TM Morrell states she would be happy to bring back further examples. BM Shortman asks if we are targeting these materials? Chair states if we don't want it, we should leave the code as it stands and rely on the 1500 sq/ft to limit the growth. BM Wolfgram states she is against limiting the materials one can build with. Chair asks if the board would rather include a restriction in our code or leave it as it is?

**Straw Poll:**

Prohibit Connex: None.

Leave the code as it: BM Taylor; BM Shortman; VC Ritter; BM Wolfgram; Chair.

TM Morrell thanks the board for their direction. The Town will adopt the newest FBC soon, and we can rely on that to govern these types of buildings.

Secretary states the next meeting is scheduled for 2.14.2024.

BM Wolfgram suggests selecting 2.28.2024 as the next meeting dates. Without objection, meeting date changed.

New Business: VC Ritter suggests including a moratorium on storage units in Malabar. TM Morrell states the lot behind Town Hall is about to create indoor storage. She suggests waiting until after the current development is in place. Discussion ensued on the applicability of a moratorium. Chair acknowledges that there may be a lot in Malabar, but our Code allows them in CG. BM Taylor asks how we could do it then? TM Morrell states the only way to change it would be to change the zoning it is allowed in. BM Wolfgram asks if storage is a permitted or conditional use in CG? TM Morrell states it is a permitted use.

Chair suggests including a discussion of Storage Units at the next meeting. Mayor Reilly states that without central water and sewer, storage facilities are the highest use of the land for many businesses. TM Morrell states that water is coming down Malabar Road in the future.

Clerk Kohler states he will send the Board Members a video on the new Form 6 requirements.

Chair asks why there is a corkboard at the north end of Rocky Point Road? TM Morrell states she believes it is a message board for VA Paving, who will be repaving US 1.



Chair asks what the status is on Rocky Point Road repairs. TM Morrell provided the Board information on the ITB, including that she hopes to have it approved at the 2/5/2024 RTCM. BM Shortman asks who is responsible for the Town Signs? TM Morrell states that the Town is, and each sign is about \$2,500.00.

**7. ADJOURNMENT**

There being no further business to discuss, MOTION: Shortman/ Taylor to adjourn this meeting.  
Vote: All Ayes.

The meeting adjourned 7:37 P.M.

BY:

\_\_\_\_\_  
Doug Dial, Chair

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

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

DRAFT

# TOWN OF MALABAR

## Planning & Zoning Advisory Board

**AGENDA ITEM NO: 7.a.**  
**Meeting Date: March 13, 2024**

Prepared By: Lisa Morrell, Town Manager

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**SUBJECT: Amend Town of Malabar Code 1-5-6 Accessory Buildings to Allow Shipping Containers for Storage Only**

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### **BACKGROUND/HISTORY:**

On 3/5/2023 The Town Council considered the advisement of Planning and Zoning board regarding amending the Town code for restrictions and or permitted uses of cargo/shipping containers for building structure as permitted by the Florida Building Code.

The majority of the Town Council directed staff to provide amendments to restrict the use of shipping containers as a dwelling or inhabitation yet allow the item for permanent storage.

The Town of Malabar, as the applicant, is seeking the advisement from the board to approve the summary of changes to the Land Development Code, Article V - GENERAL PROVISIONS, Section 1-5.6. - Accessory buildings adding Item E, entitled Cargo Containers for Permanent Storage:

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention Code, and shall require a building permit.
2. Cargo containers shall be permitted in accordance with the following:
  - a. As a temporary use in any land use district in conjunction with an authorized construction project and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with this section.
  - b. Bonafide agricultural properties are permitted to have one cargo container per five acres of agricultural tax-exempt acres of land, with no minimum acreage being required.
  - c. Non-residential properties are permitted one cargo container per acre, with no minimum acreage being required.
3. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked.
4. Cargo containers located on a residentially developed lot land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or

screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.

5. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the setback as outlined in condition #4 above, whichever is more restrictive.
6. Cargo containers shall not be located within any drainage easements.
7. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.
8. Cargo containers shall not be permitted to have signage of any type.
9. Cargo containers shall not be modified or retrofitted for habitation.

As a reminder, underlined text is addition and strikethrough text as a deletion, for amendment.

**FINANCIAL IMPACT:**

Building Permit Required with adopted Fee Schedule

**ATTACHMENTS:**

- Proposed amendments to Land Development Code, Article V - GENERAL PROVISIONS, Section 1-5.6. - Accessory buildings

**ACTION OPTIONS:**

Motion to approve changes to the Town of Malabar Code of Ordinances, Land Development Code, Article V - GENERAL PROVISIONS, Section 1-5.6. - Accessory buildings by adding Item E, entitled Cargo Containers for Permanent Storage and advise council of any comments by the board and/or members.

**Section 1-5.6. - Accessory buildings.**

- A. *Presence of Principal Building Required.* No accessory building shall be constructed upon a lot until the construction of a principal building has been issued a certificate of occupancy and no accessory building shall be used unless the principal building is in use. No structure which has been constructed as a principal use for the housing of animals or for agricultural purposes shall be used as a residence.
- B. *Prohibited in Required Yard.* No accessory building or structure shall be located in any required yard area.
- C. *General Regulations of Accessory Building.* No mobile homes, travel trailers, or old cars shall be permitted as an accessory structure. No accessory structure shall be built without a permit first being issued by the Building Official expressly authorizing the accessory structure. If the Building Official is in doubt as to the type of added accessory structure or whether a proposed accessory use is a duly authorized accessory use or structure within the district in which it is proposed, then the Building Official shall forward the issue to the Planning and Zoning Board and the Town Council for action.
- D. *Standards for Temporary Storage Units.*
  - 1. Temporary Storage Unit is defined and typically utilized for the temporary storage of personal belongings only, as part of the process of household moving and/or part of a household intent to store items offsite at a commercial storage location. This definition does not include storage units authorized by the Florida Building Code pursuant to F.S. § 553.73.
  - 2. Temporary storage units are permitted as follows:
    - (a) Permitted in Residential Areas: Any land zones RR-65, RS-10, RS-15, RS-21, RM-4, RM6, R-MH, R/LC, and PUD designated for single family and multiple family uses
    - (b) Size: Temporary storage units, shall not exceed nine (9) feet in height, ten (10) feet in width, and 24 feet in length.
    - (c) Location: temporary storage units are allowed in any required setback and shall not be placed in any public or private right-of-way or easement and shall not be in such a manner to create any visual obstruction for any motor vehicle operator's view of other motor vehicles, bicycles, or pedestrians upon entering or exiting rights-of-way.
    - (d) Time frame: Temporary storage units are allowed in residential districts for a period not exceeding 14 days in a calendar year and no more than two times a calendar year.
    - (e) The temporary storage unit shall not be utilized for the following:
      - i. Storage of live animals.
      - ii. Utilized for human habitation.
      - iii. Storage of hazardous or flammable materials.
      - iv. Advertising is prohibited on the temporary storage unit except for the name and phone number of the vendor of the unit.
      - v. Storage of trash, junk ,debris, garbage, construction debris or material or refuse.

3. The Town Manager, or designee, may grant one (1) extension to the time limit established in subsection (1) above with written request by the property owner demonstrating good cause. For purposes herein, "good cause" shall mean an act of God, or some unforeseen circumstance or event which has caused a need to extend the use of the temporary storage container at the present location. No extension shall be longer than the time period which was previously approved by the Town.
4. Exemptions. The above regulations shall not apply to temporary storage units that are placed for construction purposes in connection with a valid building permit or during any period of declared weather emergency by federal, state, or local official action.  
The provisions of this Ordinance shall not apply to any container which is placed on real property within the Town that is otherwise authorized by the Town's garbage and trash franchise agreement.
5. Violations and provisions for schedule of fines will follow the Town of Malabar Code of Ordinances, Land Development Code, Article XII entitled Administrative Procedures for land development and code enforcement.

*E. Cargo Containers for Permanent Storage*

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention Code, and shall require a building permit.
2. Cargo containers shall be permitted in accordance with the following:
  - a. As a temporary use in any land use district in conjunction with an authorized construction project, and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with this section.
  - b. Bonafide agricultural properties are permitted to have one cargo container per five acres of agricultural tax-exempt acres of land, with no minimum acreage being required.
  - c. Non-residential properties are permitted one cargo container per acre, with no minimum acreage being required.
3. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked.
4. Cargo containers located on a residentially developed lot land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.

5. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the setback as outlined in condition #4 above, whichever is more restrictive.
6. Cargo containers shall not be located within any drainage easements.
7. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.
8. Cargo containers shall not be permitted to have signage of any type.
9. Cargo containers shall not be modified or retrofitted for habitation.

# TOWN OF MALABAR

## Planning & Zoning Advisory Board

**AGENDA ITEM NO: 8.a.**  
**Meeting Date: March 13, 2024**

**Prepared By: Lisa Morrell, Town Manager**

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**SUBJECT: Discussion – Review LDC Table 1-3.3 Size and Dimensions Table**

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### **BACKGROUND/HISTORY:**

The Town of Malabar as the applicant for proposing textual amendments to Malabar, Florida - Code of Ordinances LAND DEVELOPMENT CODE Article III - DISTRICT PROVISIONS Section 1-3.3. - Size and dimension criteria, specifically Table 1-3.3 (A). Planning and Zoning is requested review and advise Town Council based on staff proposed changes as well as any board discussion amendments to ensure clarity and interpretation of the code.

Section 1-3.3 and or Table 1-3.3 (A) has been revised with the following ordinance history, where staff has researched and notated table omissions of the column pertaining to Maximum Density without Central Water & Wastewater:

Ord. No. 92-8, § 1(B), (D), (J), 8-18-92;  
Ord. No. 94-4, § 4, 4-3-95;  
Ord. No. 96-1, § 1, 3-4-96; - column included.  
Ord. No. 97-5, § 1, 3-17-97; - not applicable to amendment to table.  
Ord. No. 02-03, § 1, 8-5-02; - not applicable to amendment to table.  
Ord. No. 03-02, § 1, 2-24-03; - - not applicable to amendment to table.  
Ord. No. 04-08, §§ 1, 2, 7-12-04; - not applicable to amendment to table.  
Ord. No. 06-05, § 1, 2-6-06; - not applicable to amendment to table.  
Ord. No. 06-16, §§ 1, 2, 10-2-06; - not applicable to amendment to table.  
Ord. No. 19-02, § 2, 3-4-19; - not applicable to amendment to table.  
Ord. No. 19-03, § 2, 3-4-19; - not applicable to amendment to table.  
Ord. No. 2021-02, § 3, 5-3-21; – column omitted on recording.  
Ord. No. 2021-09, §§ 4, 5, 8-16-21) – column omitted on recording.

The Table from Ordinance 96-1 has been scanned from records and included in this agenda memo for the board's reference in reviewing and incorporating any data for comparison.

Staff has provided the board with some changes for consideration, not strikethrough text is subject to deletion, underline text is for additions. As a Reference the changes to the document are as follows:

- Repopulated omitted column header, Maximum Density without Central Water & Wastewater, and numeric data to all zoning districts.
- Under Multiple Family Residential Development section, added Single Family: N/A, not applicable as not permitted, for zoning code RM-4.
- Under Multiple Family Residential Development section, added Single Family: 1500 for zoning code RM-6; treating the size and criteria utilizing similar to RR-65 as well as the intent of 1 single family dwelling for a site with a minimum lot size of 5 acres. Additional single-family dwellings would require a subdivision of the large lot and shall apply the subdivision code for three or more parcel splits for additional single-family lots.
- Deleted Minimum Site from the numeric entry of Minimum Lot header, as duplicative, for RM-4 & RM-6.

- Revised Multiple Family to Multi-Family in RM-4, RM-6, R/LC for table cell character count.
- Under Mixed Use Development, added clarification of the zoning code to full description Residential / Light Commercial.
- R/LC added 1500 to Single Family, reference RR-65 as similar type of land use as a district and added 1500 to square feet, as it was blank.
- Separated Table for Zoning Districts; OI, CL, CG, IND, INS, to revise column header from Minimum Lot to Minimum Floor Area. Deleted Minimum Floor Area from the numeric data cell for the same districts, as duplicative.
- Footnotes in the table reformatted as superscript font.

The final format and textual amendments to the table shall occur after the review and discussion, the attached table is formatted for review and discussion purposes only.

Staff requests advisement from the Planning and Zoning Board members for the necessity to further amend the text of Code of Ordinances LAND DEVELOPMENT CODE Article III - DISTRICT PROVISIONS Section 1-3.1 – Purpose and intent of Districts to include any of the table data in written form, whereas the table would be more useful as an exhibit of the code,

**FINANCIAL IMPACT:**

**ATTACHMENTS:**

Land Development Code, Article III, Section 1-3.3, Table 1-3.3 (A), staff revisions.

Reference Material:

Land Development Code Article III District Provisions as codified, includes Section 1-3.1 – Purpose and intent of District, Section 1-3.2. - Land use by districts, Section 1-3.3. - Size and dimension

Town of Malabar Ord. No. 96-1, § 1, 3-4-96

**ACTION OPTIONS:**

Discussion only by the board. Consider revisions and advise the board secretary of providing changes, additions, deletions, for the next regularly scheduled Planning & Zoning Meeting for action advisement for Town Council and Legal Advertisement.



Section 1-3.3. - Size and dimension criteria.

A. *Minimum Lot or Site Requirements for All Uses.* Table 1-3.3(A) incorporates required size and dimension regulations which shall be applicable within each respective zoning district, except for Recreational Vehicle Park District, which is specifically described within Section 1-3.3, Item G. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:

- Setback requirements;
- Open space, buffers, and landscaping;
- Surface water management;
- Water and wastewater services;
- Access, internal circulation and off-street parking;
- Wetland protection; and
- Soil erosion and sedimentation control standards.

Conventional single family lots shall be required pursuant to square footage requirements stipulated in Table 1-3.3(A). Similarly, more intense development within multiple family residential districts and other specified nonresidential districts shall maintain sites having minimum acreage requirements stipulated in Table 1-3.3(A).

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot <sup>(1)</sup>			Maximum Height (feet /stories)	Minimum Living Area (sq. ft.)	Setback <sup>(2)</sup>				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
<b>Rural Residential Development</b>														
RR-65	65,340	150	250	35/3	1500	40	30	30	30	20	N/A	80	0.66	<u>0.66</u>

Zoning District	Minimum Lot <sup>(1)</sup>			Maximum Height (feet /stories)	Minimum Living Area (sq. ft.)	Setback <sup>(2)</sup>				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
<b>Traditional Single Family Residential Development</b>														
RS-21	21,780	120	150	35/3	1,800	35	20	15	15	35	N/A	65	2.00	<u>1.00</u>
RS-15	15,000	100	120	35/3	1,500	30	20	15	15	45	N/A	55	2.904	<u>1.00</u>
RS-10	10,000	75	100	35/3	1,200	25	20	10	10	50	N/A	50	4.00	<u>1.00</u>
<b>Multiple Family Residential Development</b>														
RM-4	5 Acres Minimum Site	200	200	35/3	Single Family N/A: Multi-Family: 1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	4.00	<u>1.00</u>
RM-6	5 Acres Minimum Site	200	200	35/3	Single Family 1500:	25	20	10	10	50	N/A	50	6.00	<u>1.00</u>
					Multi-Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	6.00	<u>1.00</u>

Zoning District	Minimum Lot <sup>(1)</sup>			Maximum Height	Minimum Living Area	Setback <sup>(2)</sup>				Maximum Impervious Surface Ratio	Maximum Building Coverage	Minimum Open Space	Maximum Density w/ Central Water & Wastewater	Maximum Density w/o Central Water & Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			(feet /stories)	(sq. ft.)	Front (ft)	Rear (ft)					
<b>Mixed Use Development – Residential / Light Commercial</b>														
R/LC	20,000	100	150	35/3	Single Family: 1500	25	20	10	10	50	n/a	50	4	<u>2.00</u>
					Multi-Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	50	25	10 <sup>4</sup>	20	65	n/a	35	6	<u>2.00</u>
					Commercial: 900						0.20			
<b>Mobile Home Residential Development</b>														
R-MH	Site: 5 Acres Lot: 7000					10	8	8	10	50	N/A	50	6.00	<u>1.00</u>

Zoning District	Minimum Lot <sup>(1)</sup>			Maximum Height	Minimum Floor Area	Setback <sup>(2)</sup>				Maximum Impervious Surface Ratio	Maximum Building Coverage	Minimum Open Space	Maximum Density w/ Central Water & Wastewater	Maximum Density w/o Central Water & Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			(feet /stories)	(sq. ft.)	Front (ft)	Rear (ft)					
<b>Office Development -Office Institutional</b>														
OI	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	65	20	35	N/A	<u>N/A</u>

Zoning District	Minimum Lot <sup>(1)</sup>			Maximum Height (feet /stories)	Minimum Floor Area (sq. ft.)	Setback <sup>(2)</sup>				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density w/ Central Water & Wastewater (units per acre)	Maximum Density w/o Central Water & Wastewater (units per acre)
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front (ft)	Rear (ft)	Side (ft) (I)	Side (ft) (C)					
<b>Commercial Development – Commercial Limited / Commercial General</b>														
CL	20,000	100	150	35/3	Minimum Floor Area: 900 Min. Area: 900 Max. Area 4,000	50	25	10 <sup>4</sup> 15 <sup>3</sup>	20	65	0.20	35	N/A	<u>N/A</u>
CG	20,000	100	150	35/3	Minimum Floor Area: 1200 Minimum Hotel/Motel Unit Area: 300 Each Unit	50	25	20 <sup>4</sup> 15 <sup>3</sup>	30	65	0.20	35	N/A	<u>N/A</u>
<b>Industrial Development</b>														
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 <sup>5</sup>	25 100 <sup>5</sup>	20 100 <sup>5</sup>	30 100 <sup>5</sup>	70	0.42	30	N/A	<u>N/A</u>
<b>Institutional Development</b>														
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	30	60	0.20 0.10 <sup>6</sup>	40	N/A	<u>N/A</u>
<b>Coastal Preservation</b>														
CP	No Size or Dimension Standards Adopted													

<sup>1</sup> Minimum size sites and lots include one-half of adjacent public right-of-way.

<sup>2</sup> Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.

<sup>3</sup> Setback where rear lot line abuts an alley.

<sup>4</sup> Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.

<sup>5</sup> Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.

<sup>6</sup> Recreation activities maximum FAR shall be .10.

<sup>7</sup> In RR-65 Zoning, side and rear setback may be reduced for accessory structures to equal the height of the accessory structure but under no condition be reduced to less than 15 feet. If the height of the accessory structure height is 20 feet, the side and rear setbacks for that building would be 20 feet.

B. *Area requirements for uses not served by central water and wastewater services.* All proposed development within areas not served by central water and wastewater services shall comply with the septic permitting requirements of Brevard County.

C. *Impervious Surface Requirements (/SR) for All Uses.* The term "impervious surface" is defined as that portion of the land which is covered by buildings, pavement, or other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.

1. *Calculation of /SR.* The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area. Water bodies are impervious but shall not be included as such in the ISR calculation.

Cluster development or other site design alternatives may result in individual lots exceeding the ISR, while other lots may be devoted entirely to open space. The Town may require, as a condition of approval, deed restrictions or covenants which guarantee the maintenance of such open space in perpetuity. The ISR requirement shall not be bypassed or reduced. However, the intent is to allow maximum flexibility through calculating ISR on the gross site, and not on a lot-by-lot basis.

2. *Use of Porous Material.* Porous concrete, asphalt, porous turf block, or similar materials may be used subject to approval of the Town Engineer.

3. *Compliance with /SR Stipulated in Table 1-3.3(A).* All proposed development shall comply with the standards given in the table of impervious surface ratios in Table 1-3.3(A).

Where a proposed development is donating or dedicating land based on a plan approved by the Town, the gross site before dedication or donation shall be used to calculate ISR. This does not relieve the applicant from providing all required on-site buffers, landscaping, stormwater management areas, setbacks, and other required project amenities.

D. *Maximum Building Coverage*. The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.

1. *Calculation of MBC*. The MBC is the relationship between the total building coverage on a site and the gross site area. The MBC is calculated by adding together the total building coverage of a site and dividing this total by the gross site area. See figure 1-3.3(0) for a graphic illustration of this concept.

All proposed nonresidential development shall comply with the MBC requirements stipulated in Table 1-3.3(A) for the zoning district in which the development is located.

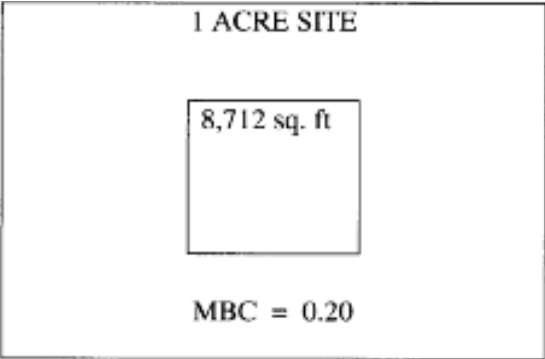


FIGURE 1-3.3(0). MAXIMUM BUILDING COVERAGE ILLUSTRATION

Maximum building coverage for a MBC of 0.20 = 8,712 sq. ft.

MBC	=	<u>Total Building Coverage</u>
		Total Lot Area

E. *Principal Structure Setbacks*. Table 1-3.3(A) provides building setbacks for all zoning districts. In addition to these setbacks the required minimum setback shall be measured from the centerline of the right-of-way as in Table 1-3.3(E).

TABLE 1-3.3(E). PRINCIPAL STRUCTURE SETBACKS FROM CENTERLINE OF THOROUGHFARES

Transportation Facility	Building Setback (feet)
Arterial Roadways (150 feet R/W)	100
US 1 Highway	
Malabar Road (SR 514)	
Babcock Street (SR 507)	
Major Collector Streets (100 feet R/W)	85
Corey Road	
Weber Road	
Marie Street	
Jordan Blvd.	
Local Streets (50-60 feet R/W)	65
Minor Collector Streets (70 feet R/W)	75
Atz Blvd.	
Hall Road	
Old Mission Road	
Benjamin (Reese) Road	

- F. *Minimum Distance Between Principal Buildings.* The minimum distance between principal buildings shall be twenty (20) feet. The distance shall be measured at the narrowest space between buildings and shall not include roof overhang.
- G. *Recreational Vehicle Park Zoning District.* Recreational vehicle park zoning district shall be to locate and establish areas within the Town which are deemed to be uniquely suited for the development and maintenance of recreational vehicle activities, i.e., travel trailers, motor homes, camping tents, and trailers occupied as temporary living quarters; to designate those uses and services deemed appropriate and proper for location and development within the zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district consistent with F.S. Ch. 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code, as amended from time to time.
- (1) Principal uses and structures:
- a) Travel trailers, recreational vehicles, motor homes, camping tents and other vehicles with sleeping accommodations.
  - b) Management offices and residence (a mobile home may be allowed for a manager's residence only).
- (2) Accessory uses include:
- a) Grocery store.
  - b) Bottled/Metered gas sales.
  - c) Laundry facilities.
  - d) Recreational facilities such as playgrounds, picnic areas, swimming pools, game courts, and recreation hall.
  - e) Public utility equipment and facilities.
- (3) Conditional uses:
- a) Marina and boat rental including bait, fishing, and sports accessories sales serving guests of the park and/or the general public.
- (4) Design standards for recreational vehicle parks.
- a) Minimum size: five (5) acres.
  - b) Maximum density: fifteen (15) travel trailer/R.V. sites per gross acre of land. This shall also apply to any tent camping areas.
  - c) Streets and parking:
    - 1. Direct access to the recreational vehicle park shall be from an arterial roadway. The administrative office of the park shall be so located as to assure that no recreational vehicles are parked in the right-of-way during the check-in process or while waiting for others to be checked in.
    - 2. Width of streets. Streets or driveways in a recreational vehicle park shall be private and shall have the following widths:
      - (a) A one-way street/drive shall be at least twelve (12) feet in width.
      - (b) A two-way street/drive shall be at least twenty-four (24) feet in width.



3. Street surfacing. All roads or driveways shall be paved meeting town standards.
  4. Road curves. All road curves shall have a minimum turning radius of fifty (50) feet. All cul-de-sacs shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.
  5. Parking. Each R.V. / travel trailer site shall have off-street parking pads for both recreational vehicles and for towing vehicles. The pads shall be composed of a stabilized material meeting town standards to accommodate the size of the vehicle and be composition of materials examples: asphalt, cement, gravel, pavers, or LID methods (pervious asphalt, pervious concrete, etc.)
- d) Buffer strips. A twenty-five (25) foot minimum yard setback shall be provided from all exterior property lines and rights-of-way for the rear and sides of the property and a minimum of fifty (50) foot for roadway frontage of the property. The recreational vehicle park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, wood or PVC fence, or evergreen hedge not less than six (6) feet in height. The buffer strip shall be separate from recreational areas, streets, driveways, travel trailer sites (R.V. sites) and utility sites but may be utilized for stormwater drainage and retention purposes. The provisions for buffer strips may be waived or reduced by the Town Council taking into consideration the use of abutting properties. Furthermore, any portion of the property which fronts a public right-of-way will not be required to be enclosed along such right-of-way.
- e) Recreational areas. A minimum of ten percent (10%) of the total land area of a travel trailer park shall be devoted to one (1) or more common use areas for recreational activity. In addition, for every travel trailer and tent site, there shall be allocated an additional one hundred (100) square feet of land for recreational activity.
1. However, this requirement is not necessary when the proposed development is a density of ten (10) sites per gross acre or less. Such recreational areas shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way and storage areas; however, the periphery of such areas may contain utility sites, and other nonrecreational service buildings, the area of which will be subtracted from the computed "recreational area." Recreational areas shall be easily accessible to all park users and management. Although the required space for recreational usage may be met through more than one (1) recreational site, the minimum size of any such area shall be ten thousand (10,000) square feet. Provision for all common open space and the construction of recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the construction of individual recreational vehicle sites.
- f) Tent camping. Areas may be set aside for tent camping in accordance with all provisions of this section, except:
1. There shall be a stabilized pad on the site for parking of the transportation vehicle.
  2. Tent camping may be permitted on a travel trailer site.
- g) Design requirements for recreational vehicle site.
1. Minimum size.
    - a. Back-in parking sites shall have a minimum area of one thousand five hundred (1,500) square feet with a minimum width of thirty (30) feet and a minimum length of fifty (50) feet

- b. Drive-through parking sites shall have a minimum area of one thousand two hundred (1,200) square feet with minimum width of twenty (20) feet and a minimum length of sixty (60) feet. Consensus was to remove these sections.
2. Access. Each R.V. site shall abut on at least one (1) street or driveway within the boundaries of the travel trailer park and access to the site shall be only from such an internal street or driveway.
  3. Setback requirements. No part of a travel trailer placed on a travel trailer site shall be closer than five (5) feet to any site line and ten (10) feet to any street or driveway.
  4. Appurtenances. Temporary appurtenances, such as cabanas and awnings, may be erected on a travel trailer site as long as such appurtenances do not violate the setback requirements as set forth in this section and as long as such appurtenances are capable of being dismantled and stored within four (4) hours.
- h) Provisions of service in recreational vehicle parks.
1. Service buildings. All service buildings shall comply with the building code and regulations concerning buildings, electrical installations, plumbing and sanitation systems. Service building are intended to accommodate the servicing equipment used for the park maintenance and are not intended to service any recreational vehicle, trailer, camper or equipment of a park guest. No major service or repair of a recreational vehicle shall occur on the park site. For the purposes of this section the term "major service or repair" shall mean any service or repairs to a recreational vehicle which is anticipated to take more than 4 (four) hours to accomplish.
  2. Water supply. An adequate supply of water shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
  3. Sewage disposal.
    - a. All sewage disposal facilities shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
    - b. At least one (1) sanitary dumping station shall be provided in every travel trailer park. Such station shall be readily accessible and well- lighted. The following schedule shall be used in determining additional dumping stations based on the number of sites which are not connected individually to sewer lines: for every fifty (50) sites or fractional part thereof, beyond the first (50) sites, one (1) sanitary dumping station shall be provided.
    - c. At least one (1) central bathhouse-restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers). Any dispersed bathhouse- restroom facility provided to meet the distance requirement of three hundred (300) feet shall have at least two (2) of each of the following fixtures for men and women: Toilets, urinals, lavatories and showers. Recreational areas shall be located within three hundred (300) feet of a bathhouse-restroom facility.

d. The minimum number of bath and toilet facilities shall be determined by the latest adopted Florida Building Code.

4. Lighting. All entrances, exits, streets, and service buildings shall be well lighted during the hours of darkness. Site Lighting shall conform to the Town's adopted Land Development Code, Article V. - General Provisions, Section 1-5.28 entitles Site Lighting. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to ensure the safety of all users of such facilities.
  5. Electricity. All requirements of the National Electrical Code as contained referenced in Malabar Code of Ordinances Chapter 6 must be met.
  6. Service and utility lines. All service utility lines in a travel trailer park shall be installed underground and at a minimum depth of eighteen (18) inches.
  7. Fire protection. The park shall be subject to the rules and regulations of State Statute, State Fire Code, and Malabar Code.
  8. Fuel supply and storage. All installations and tanks furnishing and/or storing any type of gaseous fuels to be used by the occupants of the park shall comply with the Fire Prevention Code of the National Fire Prevention Association, as adopted.
  9. Storage. Outdoor storage of travel trailers is permitted that such storage takes place within an area especially set aside for such use.
  10. Signs. Those signs necessary for directional or safety purposes are permitted. All other signs as per the sign regulations set forth in Article XIX of this code of ordinances.
- i) Development site plan review. As part of the supplementary data required to complete an application for a public hearing for a Recreational Vehicle Park development, a scaled and dimensioned plot or site plan of the development shall be submitted as part of such site plan application pursuant to Article VII (if the site plan is greater than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the Recreational Vehicle Park shall be built in accordance with such a plan. The site plan shall include, but not be limited to, location of all R.V. sites, service areas, drives, streets, signs, buildings, parking, recreational space, setbacks, public utility locations and any other pertinent information. Site plan approval is limited to one (1) year by the Town Council. The provisions of Section 1-7.5 shall apply.
- j) Prohibited uses and Structures. All other uses and structures not specifically or provisionally permitted herein.

(Ord. No. 92-8, § 1(B), (D), U), 8-18-92; Ord. No. 94-4, § 4, 4-3-95; Ord. No. 96-1, § 1, 3-4-96; Ord. No. 97-5, § 1, 3-17-97; Ord. No. 02-03, § 1, 8-5-02; Ord. No. 03-02, §

1, 2-24-03; Ord. No. 04-08, §§ 1, 2, 7-12-04; Ord. No. 06-05, § 1, 2-6-06; Ord. No. 06-16, §§ 1, 2, 10-2-06; Ord. No. 19-02, § 2, 3-4-19; Ord. No. 19-03, § 2, 3-4-19; Ord.

No. 2021-02, § 3, 5-3-21; Ord. No. 2021-09, §§ 4, 5, 8-16-21)

## Article III - DISTRICT PROVISIONS

This article describes the purposes and intent of each zoning district, identifies permitted and conditional uses by zoning district, and provides size and dimensional regulations for respective zoning districts.

### Section 1-3.1. - Purpose and intent of districts.

This section presents the basic purpose and intent of each zoning district.

- A. *CP "Coastal Preserve."* The CP district was originally established by the Town Council through Ordinance Number 7-1-76, § 5.12 and Ordinance Number 7-12-79 § 1. This district is intended to preserve a narrow strip of land east of highway US 1 directly abutting the Indian River Lagoon, a State designated Aquatic Preserve. The district provisions are intended to assist in implementing land use, coastal management, and conservation goals, objectives, and policies within the comprehensive plan. For instance, the district provisions reduce exposure to natural hazards to persons or property as a result of windstorms and high tides; preserve the marine resources of the Aquatic Preserve; and restrict usage to noncommercial piers, boat slips, and docks.
- B. *RR-65 "Rural Residential."* The rural residential district is established to implement comprehensive plan policies for managing rural residential development at a density not to exceed one and one-half (1.5) acres per dwelling unit. The district is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lot rural residential home sites. The areas designated for rural residential development generally contain few urban services and the street system is generally incapable of carrying traffic generated by more intense urban development. The district is intended to accommodate and preserve a unique lifestyle which cannot be accommodated in more dense residential areas.
- C. *RS-21 "Single-Family Low-Density Residential."* This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The RS-21 district is established in order to protect the quality and character of existing and future conventional single-family low-density neighborhoods, preserve open space, and manage future densities in order to assure compatibility with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- D. *RS-15 "Single-Family Medium-Density Residential."* The RS-15 district is designed to accommodate traditional single-family development on lots not less than 15,000 square feet. The district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

E.

*RS-10 "Single-Family Medium-Density Residential."* The RS-10 district is established to implement comprehensive plan policies for managing traditional single-family residential development on lots not less than 10,000 square feet. This district is established to preserve the stability of existing and future single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that they are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

- F. *R-MH "Residential Mobile Homes."* The R-MH district is established to implement comprehensive plan policies for managing high density mobile home residential development. The district is designed for managing mobile home development at a density not to exceed six units per acre. The district is intended to provide sites for mobile home development within existing established mobile home parks.
- G. *RM-4 "Multiple-Family Medium-Density Residential."* The RM-4 district is established to implement comprehensive plan policies for managing medium-density residential development not to exceed four units per acre. The district is established to ensure sufficient land area for development of medium-density multiple-family residential developments which are fully serviced by adequate public facilities. Sites for medium-density multiple-family residential development shall be located so that they provide a smooth transition between low density residential development and areas developed and/or designated for more intense uses.
- H. *RM-6 "Multiple-Family High-Density Residential Development."* The RM-6 district is established to implement comprehensive plan policies for managing high-density residential development at a density not to exceed six units per acre. The district is established to ensure that sufficient land is available for developments of high-density residential development and is intended to ensure availability of adequate public facilities.
- I. *OI "Office-Institutional."* The OI district is established to implement comprehensive plan policies for managing office-institutional development. This district is designed to accommodate businesses and professional offices together with institutional land uses on sites which:
  - Have accessibility to major thoroughfares;
  - Have potential to be served by a full complement of urban services;
  - Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential adjacent land uses of differing intensities;
  - Accommodate only office buildings and institutional land uses and shall expressly exclude residential uses (except those Community Facilities defined as Nursing Homes and Related Health Care Facilities in 1-2.6.B.10(B)), general retail sales and services, warehousing, and outside storage; and
  - Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.
  - A Malabar Vernacular Style is required for all development along arterial roadways.

*INS "Institutional Services."* The INS district is established to implement comprehensive plan policies for managing institutional development. The district is intended to accommodate public and semi-public facilities such as government administration buildings; fire, police, and rescue services; health care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this district.

K. *CL "Commercial Limited."* The CL district is established to implement comprehensive plan policies for managing limited commercial development accessible to major thoroughfares near residential neighborhoods. Such development is intended to provide essential household services in locations highly accessible to residential areas. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets:

- Neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional market; or
- A specialized market with customized market demands.
- A Malabar Vernacular Style is required for all development along arterial roadways.

Areas designated for limited commercial development are not intended to accommodate large-scale retail sales, services, and trade activities, generally serving a city-wide or regional market. Such stores would usually differ from limited commercial shops since the former would usually require a larger floor area, carry a relatively larger inventory and require substantially greater parking area. Uses, which are not intended to be accommodated within the limited commercial area, include the following: large scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposable containers and/or providing drive-in facilities. No residential uses shall be located in the limited commercial district.

L. *CG "Commercial General."* The CG district is established to implement comprehensive plan policies for managing general commercial development. The general commercial district is designed to accommodate general retail sales and services. Sites designated for CG zoning shall be located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements required by general commercial land use activities.

The general commercial district shall also accommodate commercial trades in strategically designated areas as defined in the conditional use criteria. Development standards within the land development code shall require that site plans incorporate amenities necessary to prevent potential adverse effects on the traffic circulation system, public services, and residential development within the vicinity.

The general commercial district is not intended to accommodate manufacturing, processing, or assembly of goods, sales and services of heavy commercial vehicles and equipment, or related services or maintenance activities; warehousing; uses requiring extensive outside storage; or other activities or trades which may generate nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration or major fire hazards. Finally, no permanent residential housing shall be located within the general commercial district.

The location and distribution of general commercial activities shall be determined based on the following considerations:

- Trip generation characteristics, impact on existing and plan transportation facilities and ability to achieve a functional internal circulation and landscaped off-street parking system;
- Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation, and floor area requirements;
- Compatibility with and impact on other surrounding commercial activities;
- Relationship to surrounding land uses and natural systems; and
- Impact on existing and planned community services and utilities.
- A Malabar Vernacular Style is required for all development along arterial roadways.

M. *IND "Industrial."* The industrial district is established to implement comprehensive plan policies for managing industrial development. In locating industrial districts, consideration shall be directed to selecting sites accessible to rail facilities, terminal facilities, major arterials, labor markets, and necessary urban services. Industrial districts shall not include residential activities. However, residence for night watchman or custodians whose presence on industrial sites is necessary for security purposes may be approved as an accessory use. Industrial districts shall be accessible to major thoroughfares and shall be buffered from residential neighborhoods.

Any additional industrial zoning shall be consistent with the comprehensive plan, including criteria for siting industrial activities, including but not limited to, policy 1-1.3.1, policy 1-1.3.2, and policy 1-1.3.3.

N. *PUD "Planned Unit Development."* The PUD district is established to implement comprehensive plan policies for managing planned unit development. The comprehensive plan incorporates policies encouraging innovative development concepts, including mixed use development. The planned unit development is intended to provide a voluntary framework for coordinating objectives of developers which may require departures from established public policy. The planned unit development district provides a management strategy for negotiating innovative development concepts, design amenities, and measures for protecting natural features of the land. The management process shall promote public and private coordination and cooperation. The land development code incorporates detailed regulations, standards, and procedures for implementing the planned unit development concept.

The planned unit development district shall be available as a voluntary approach for managing specific development characteristics and project amenities to be incorporated in residential, commercial, industrial or mixed use development. Developers who voluntarily participate in the process shall bind themselves as well as their successors in title to the stipulations within the development order approving the planned unit development district.

O.



*R/LC "Residential and Limited Commercial."* The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use Residential and Limited Commercial development on the Comprehensive Plan Future Land Use Map (FLUM). Such development is intended to accommodate limited commercial goods and services together with residential activities on specific sites designated "R/LC" which are situated along the west side of the US 1 corridor, situated on the north and south side of Malabar Road and those sites on the east side of Babcock Street as delineated on the FLUM. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a density up to six (6) units per acre. Commercial activities shall generally cater to the following markets:

- Local residential markets within the town as opposed to regional markets; or
- Specialized markets with customized market demands.
- A Malabar Vernacular Style is required for all development along arterial roadways.

Areas designated for mixed use Residential and Limited Commercial development are not intended to accommodate commercial activities, such as large-scale retail sales and/or service facilities or trade activities. These types of commercial activities generally serve regional markets, and the intensity of such commercial activities is not generally compatible with residential activities located within the same structure or located at an adjacent or nearby site. Such stores would usually differ from limited commercial shops; would generally carry a relatively larger inventory; and require substantially greater parking area. Uses, which are not intended to be accommodated within the limited commercial area, include the following: large-scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive-in facilities.

P. *RVP "Recreational Vehicle Park."* The RVP district is established to implement comprehensive plan policies for managing local zoning and site development design criteria on land specifically designated for Recreational Vehicle Park(s) as designated by F.S. ch. 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code.

(Ord. No. 94-4, § 2, 4-3-95; Ord. No. 07-02, §§ 1—4, 4-2-07; Ord. No. 14-01, § 2, 2-3-14; Ord. No. 2021-02, § 2, 5-3-21; Ord. No. 2021-09, § 2, 8-16-21)

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.

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	
RESIDENTIAL USES															
Duplex					P	P					P				
Mobile Homes							P								
Multiple Family Dwelling					P	P					P				
Single Family Dwellings	P	P	P	P	P	P	P				P				
COMMUNITY FACILITIES															
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	
COMMUNITY RESIDENTIAL HOME															
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			
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	

Recreational Vehicle Park								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

(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; Ord. No. 2021-09, § 3, 8-16-21)

#### Section 1-3.3. - Size and dimension criteria.

A. *Minimum Lot or Site Requirements for All Uses.* Table 1-3.3(A) incorporates required size and dimension regulations which shall be applicable within each respective zoning district, except for Recreational Vehicle Park District, which is specifically described within Section 1-3.3, Item G. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:

- Setback requirements;
- Open space, buffers, and landscaping;
- Surface water management;
- Water and wastewater services;
- Access, internal circulation and off-street parking;
- Wetland protection; and
- Soil erosion and sedimentation control standards.

Conventional single family lots shall be required pursuant to square footage requirements stipulated in Table 1-3.3(A). Similarly, more intense development within multiple family residential districts and other specified nonresidential districts shall maintain sites having minimum acreage requirements stipulated in Table 1-3.3(A).

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS



Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (I)	Side (C)				
<b>Rural Residential Development</b>													
RR-65	65,340	150	250	35/3	1,500	40	30	30	30	20	N/A	80	0.66
<b>Traditional Single Family Residential Development</b>													
RS-21	21,780	120	150	35/3	1,800	35	20	15	15	35	N/A	65	2.00
RS-15	15,000	100	120	35/3	1,500	30	20	15	15	45	N/A	55	2.904
RS-10	10,000	75	100	35/3	1,200	<u>25</u>	20	10	10	50	N/A	50	4.00
<b>Multiple Family Residential Development</b>													

RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	4.00
RM-6	5 acres Minimum Site	200	200	35/3	Single Family:	25	20	10	10	50	n/a	50	6
					Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	60	40	40	40	50	n/a	50	6

Mixed Use Development													
R/LC	20,000	100	150	35/3	Single Family:	25	20	10	10	50	n/a	50	4
					Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	50	25	10 <sup>4</sup>	20	65	n/a	35	6
					Commercial: 900						0.20		
Mobile Home Residential Development													
R-MH	Site: 5 Acres Lot: 7000					10	8	8	10	50	N/A	50	6.00
Office Development													

OI	20,000	100	150	35/3	Minimum Floor Area: 1000		<u>25</u>	20	<u>25</u>	65		20	35	N/A
<b>Commercial Development</b>														
CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	<u>25</u>	<sub>4</sub> 10 <sub>3</sub> 15	20	65		0.20	35	N/A
					Min. Area: 900 Max. Area 4,000									
CG	20,000	100	150	35/3	Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	<u>25</u>	<sub>4</sub> 20 <sub>3</sub> 15	30	65		0.20	35	N/A
<b>Industrial Development</b>														
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 <sup>5</sup>	<u>25</u> 5	20 5	30 5	70		0.42	30	N/A

Institutional Development													
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	<u>25</u>	20	30	60	0.20 0.10 <sup>6</sup>	40	N/A
Coastal Preservation													
CP	No Size or Dimension Standards Adopted												

<sup>1</sup> Minimum size sites and lots include one-half of adjacent public right-of-way.

<sup>2</sup> Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.

<sup>3</sup> Setback where rear lot line abuts an alley.

<sup>4</sup> Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.

<sup>5</sup> Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.

<sup>6</sup> Recreation activities maximum FAR shall be .10.

<sup>7</sup> In RR-65 Zoning, side and rear setback may be reduced for accessory structures to equal the height of the accessory structure but under no condition be reduced to less than 15 feet. If the height of the accessory structure height is 20 feet, the side and rear setbacks for that building would be 20 feet.

B. *Area requirements for uses not served by central water and wastewater services.* All proposed development within areas not served by central water and wastewater services shall comply with the septic permitting requirements of Brevard County.

*Impervious Surface Requirements (ISR) for All Uses.* The term "impervious surface" is defined as that portion of the land which is covered by buildings, pavement, or other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.

1. *Calculation of ISR.* The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area. Water bodies are impervious but shall not be included as such in the ISR calculation.

Cluster development or other site design alternatives may result in individual lots exceeding the ISR, while other lots may be devoted entirely to open space. The Town may require, as a condition of approval, deed restrictions or covenants which guarantee the maintenance of such open space in perpetuity. The ISR requirement shall not be bypassed or reduced. However, the intent is to allow maximum flexibility through calculating ISR on the gross site, and not on a lot-by-lot basis.

2. *Use of Porous Material.* Porous concrete, asphalt, porous turf block, or similar materials may be used subject to approval of the Town Engineer.
3. *Compliance with ISR Stipulated in Table 1-3.3(A).* All proposed development shall comply with the standards given in the table of impervious surface ratios in Table 1-3.3(A).

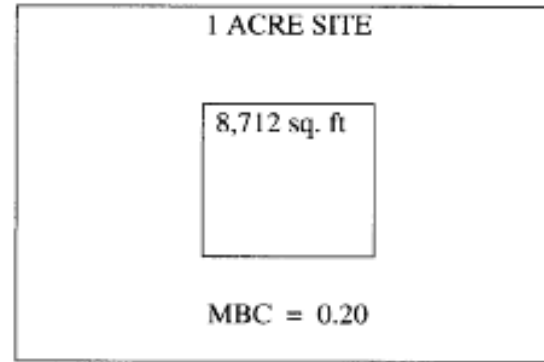
Where a proposed development is donating or dedicating land based on a plan approved by the Town, the gross site before dedication or donation shall be used to calculate ISR. This does not relieve the applicant from providing all required on-site buffers, landscaping, stormwater management areas, setbacks, and other required project amenities.

D. *Maximum Building Coverage.* The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.

1. *Calculation of MBC.* The MBC is the relationship between the total building coverage on a site and the gross site area. The MBC is calculated by adding together the total building coverage of a site and dividing this total by the gross site area. See figure 1-3.3(D) for a graphic illustration of this concept.

All proposed nonresidential development shall comply with the MBC requirements stipulated in Table 1-3.3(A) for the zoning district in which the development is located.

FIGURE 1-3.3(D). MAXIMUM BUILDING COVERAGE ILLUSTRATION



Maximum building coverage for a MBC of 0.20 = 8,712 sq. ft.

MBC	=	<u>Total Building Coverage</u>
		Total Lot Area

E. *Principal Structure Setbacks*. Table 1-3.3(A) provides building setbacks for all zoning districts. In addition to these setbacks the required minimum setback shall be measured from the centerline of the right-of-way as in Table 1-3.3(E).

TABLE 1-3.3(E). PRINCIPAL STRUCTURE SETBACKS FROM CENTERLINE OF THOROUGHFARES

Transportation Facility	Building Setback (feet)
Arterial Roadways (150 feet R/W)	100
US 1 Highway	
Malabar Road (SR 514)	
Babcock Street (SR 507)	
Major Collector Streets (100 feet R/W)	85
Corey Road	
Weber Road	
Marie Street	
Jordan Blvd.	

Local Streets (50—60 feet R/W)		65
Minor Collector Streets (70 feet R/W)		75
	Atz Blvd.	
	Hall Road	
	Old Mission Road	
	Benjamin (Reese) Road	

F. *Minimum Distance Between Principal Buildings.* The minimum distance between principal buildings shall be twenty (20) feet. The distance shall be measured at the narrowest space between buildings and shall not include roof overhang.

G. *Recreational Vehicle Park Zoning District.* Recreational vehicle park zoning district shall be to locate and establish areas within the Town which are deemed to be uniquely suited for the development and maintenance of recreational vehicle activities, i.e., travel trailers, motor homes, camping tents, and trailers occupied as temporary living quarters; to designate those uses and services deemed appropriate and proper for location and development within the zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district consistent with F.S. Ch. 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code, as amended from time to time.

(1) Principal uses and structures:

- a) Travel trailers, recreational vehicles, motor homes, camping tents and other vehicles with sleeping accommodations.
- b) Management offices and residence (a mobile home may be allowed for a manager's residence only).

(2) Accessory uses include:

- a) Grocery store.
- b) Bottled/Metered gas sales.
- c) Laundry facilities.
- d) Recreational facilities such as playgrounds, picnic areas, swimming pools, game courts, and recreation hall.



e) Public utility equipment and facilities.

(3) Conditional uses:

a) Marina and boat rental including bait, fishing, and sports accessories sales serving guests of the park and/or the general public.

(4) Design standards for recreational vehicle parks.

a) Minimum size: five (5) acres.

b) Maximum density: fifteen (15) travel trailer/R.V. sites per gross acre of land. This shall also apply to any tent camping areas.

c) Streets and parking:

1. Direct access to the recreational vehicle park shall be from an arterial roadway. The administrative office of the park shall be so located as to assure that no recreational vehicles are parked in the right-of-way during the check-in process or while waiting for others to be checked in.

2. Width of streets. Streets or driveways in a recreational vehicle park shall be private and shall have the following widths:

(a) A one-way street/drive shall be at least twelve (12) feet in width.

(b) A two-way street/drive shall be at least twenty-four (24) feet in width.

3. Street surfacing. All roads or driveways shall be paved meeting town standards.

4. Road curves. All road curves shall have a minimum turning radius of fifty (50) feet. All cul-de-sacs shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.

5. Parking. Each R.V. / travel trailer site shall have off-street parking pads for both recreational vehicles and for towing vehicles. The pads shall be composed of a stabilized material meeting town standards to accommodate the size of the vehicle and be composition of materials examples: asphalt, cement, gravel, pavers, or LID methods (pervious asphalt, pervious concrete, etc.)

d) Buffer strips. A twenty-five (25) foot minimum yard setback shall be provided from all exterior property lines and rights-of-way for the rear and sides of the property and a minimum of fifty (50) foot for roadway frontage of the property. The recreational vehicle park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, wood or PVC fence, or evergreen hedge not less than six (6) feet in height. The buffer strip shall be separate from recreational areas, streets, driveways, travel trailer sites (R.V. sites) and utility sites but may be utilized for stormwater drainage and retention purposes. The provisions for buffer strips may be waived or reduced by the Town Council taking into consideration the use of abutting properties. Furthermore, any portion of the property which fronts a public right-of-way will not be required to be enclosed along such right-of-way.

e) Recreational areas. A minimum of ten percent (10%) of the total land area of a travel trailer park shall be devoted to one (1) or more common use areas for recreational activity. In addition, for every travel trailer and tent site, there shall be allocated an additional one hundred (100) square feet of land for recreational activity.

1.

However, this requirement is not necessary when the proposed development is a density of ten (10) sites per gross acre or less. Such recreational areas shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way and storage areas; however, the periphery of such areas may contain utility sites, and other nonrecreational service buildings, the area of which will be subtracted from the computed "recreational area." Recreational areas shall be easily accessible to all park users and management. Although the required space for recreational usage may be met through more than one (1) recreational site, the minimum size of any such area shall be ten thousand (10,000) square feet. Provision for all common open space and the construction of recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the construction of individual recreational vehicle sites.

f) Tent camping. Areas may be set aside for tent camping in accordance with all provisions of this section, except:

1. There shall be a stabilized pad on the site for parking of the transportation vehicle.
2. Tent camping may be permitted on a travel trailer site.

g) Design requirements for recreational vehicle site.

1. Minimum size.

- a. Back-in parking sites shall have a minimum area of one thousand five hundred (1,500) square feet with a minimum width of thirty (30) feet and a minimum length of fifty (50) feet.
- b. Drive-through parking sites shall have a minimum area of one thousand two hundred (1,200) square feet with minimum width of twenty (20) feet and a minimum length of sixty (60) feet. Consensus was to remove these sections.

2. Access. Each R.V. site shall abut on at least one (1) street or driveway within the boundaries of the travel trailer park and access to the site shall be only from such an internal street or driveway.

3. Setback requirements. No part of a travel trailer placed on a travel trailer site shall be closer than five (5) feet to any site line and ten (10) feet to any street or driveway.

4. Appurtenances. Temporary appurtenances, such as cabanas and awnings, may be erected on a travel trailer site as long as such appurtenances do not violate the setback requirements as set forth in this section and as long as such appurtenances are capable of being dismantled and stored within four (4) hours.

h) Provisions of service in recreational vehicle parks.

1. Service buildings. All service buildings shall comply with the building code and regulations concerning buildings, electrical installations, plumbing and sanitation systems. Service building are intended to accommodate the servicing equipment used for the park maintenance and are not intended to service any recreational vehicle, trailer, camper or equipment of a park guest. No major service or repair of a recreational vehicle shall occur on the park site. For the purposes of this section the term "major service or repair" shall mean any service or repairs to a recreational vehicle which is anticipated to take more than 4 (four) hours to accomplish.

2. Water supply. An adequate supply of water shall be provided in accordance with the regulatory agencies, Department of Environmental

Protection and/or the Department of Health.

3. Sewage disposal.
    - a. All sewage disposal facilities shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
    - b. At least one (1) sanitary dumping station shall be provided in every travel trailer park. Such station shall be readily accessible and well-lighted. The following schedule shall be used in determining additional dumping stations based on the number of sites which are not connected individually to sewer lines: for every fifty (50) sites or fractional part thereof, beyond the first (50) sites, one (1) sanitary dumping station shall be provided.
    - c. At least one (1) central bathhouse-restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers). Any dispersed bathhouse-restroom facility provided to meet the distance requirement of three hundred (300) feet shall have at least two (2) of each of the following fixtures for men and women: Toilets, urinals, lavatories and showers. Recreational areas shall be located within three hundred (300) feet of a bathhouse-restroom facility.
    - d. The minimum number of bath and toilet facilities shall be determined by the latest adopted Florida Building Code.
  4. Lighting. All entrances, exits, streets, and service buildings shall be well lighted during the hours of darkness. Site Lighting shall conform to the Town's adopted Land Development Code, Article V. - General Provisions, Section 1-5.28 entitles Site Lighting. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to ensure the safety of all users of such facilities.
  5. Electricity. All requirements of the National Electrical Code as contained referenced in Malabar Code of Ordinances Chapter 6 must be met.
  6. Service and utility lines. All service utility lines in a travel trailer park shall be installed underground and at a minimum depth of eighteen (18) inches.
  7. Fire protection. The park shall be subject to the rules and regulations of State Statute, State Fire Code, and Malabar Code.
  8. Fuel supply and storage. All installations and tanks furnishing and/or storing any type of gaseous fuels to be used by the occupants of the park shall comply with the Fire Prevention Code of the National Fire Prevention Association, as adopted.
  9. Storage. Outdoor storage of travel trailers is permitted that such storage takes place within an area especially set aside for such use.
  10. Signs. Those signs necessary for directional or safety purposes are permitted. All other signs as per the sign regulations set forth in Article XIX of this code of ordinances.
- i) Development site plan review. As part of the supplementary data required to complete an application for a public hearing for a Recreational Vehicle Park development, a scaled and dimensioned plot or site plan of the development shall be submitted as part of such site plan application pursuant to Article VII (if the site plan is greater than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the Recreational Vehicle Park shall be built in accordance with such a plan. The site plan

shall include, but not be limited to, location of all R.V. sites, service areas, drives, streets, signs, buildings, parking, recreational space, setbacks, public utility locations and any other pertinent information. Site plan approval is limited to one (1) year by the Town Council. The provisions of Section 1-7.5 shall apply.

j) Prohibited uses and Structures. All other uses and structures not specifically or provisionally permitted herein.

(Ord. No. 92-8, § 1(B), (D), (J), 8-18-92; Ord. No. 94-4, § 4, 4-3-95; Ord. No. 96-1, § 1, 3-4-96; Ord. No. 97-5, § 1, 3-17-97; Ord. No. 02-03, § 1, 8-5-02; Ord. No. 03-02, § 1, 2-24-03; Ord. No. 04-08, §§ 1, 2, 7-12-04; Ord. No. 06-05, § 1, 2-6-06; Ord. No. 06-16, §§ 1, 2, 10-2-06; Ord. No. 19-02, § 2, 3-4-19; Ord. No. 19-03, § 2, 3-4-19; Ord. No. 2021-02, § 3, 5-3-21; Ord. No. 2021-09, §§ 4, 5, 8-16-21)

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.) (2)				Maximum Impervious Surface Ratio (%)	Floor Area Ratio (FAR)	Minimum Open Space (%)	Maximum Density (units per acre)		
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (1)	Side (C)				With Central Water and Wastewater	Without Central Water and Wastewater	
<b>Rural Residential Development</b>															
RR-650	65,340	150	250	35/2.5	1,500	40	30	30	30	20	N/A	80	0.66	0.66	
<b>Traditional Single Family Residential Development</b>															
RS-21	21,780	120	150	35/2.5	1,800	35	20	15	15	35	N/A	65	2.00	1.00	
RS-15	15,000	100	120	35/2.5	1,500	30	20	15	15	45	N/A	55	2.904	1.00	
RS-10	10,000	75	100	35/2.5	1,200	25	20	10	10	50	N/A	50	4.00	1.00	
<b>Multiple Family Residential Development</b>															
RM-4	5 Acres Minimum Site	200	200	35/2.5	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	4.00	1.00	
RM-6	5 acres Minimum Site	200	200	35/2.5	Single Family:	25	20	10	10	50	n/a	50	4	1	
					Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	60	40	40	40	50	n/a	50	4	1	
<b>Mixed Use Development</b>															
R/LC	20,000	100	150	35/3	Single Family:	25	20	10	10	50	n/a	50	4	2	
					Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	50	25	10 <sup>4</sup>	20	65	n/a	35	6	2	
					Commercial: Min. Area: 900 Max. Area 4,000						0.20				

EXHIBIT "B"

DISTRICT PROVISIONS

§ 1-3.3