



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

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
Meeting Date: July 12, 2017

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

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

The minutes must reflect the actions taken by the Board:

- Who made the Motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim and some editing is done to convey the thought. People do not speak the way they write.

**ATTACHMENTS:**

Draft minutes of P&Z Board Meeting of June 14, 2017  
Draft minutes of P&Z Board Meeting of June 28, 2017(not ready)

**ACTION OPTIONS:**

Secretary requests approval of the minutes.

“The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board.”

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
JUNE 14, 2017 7:30 PM**

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

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

Meeting called to order at 7:32 P.M. Prayer and Pledge led Chair Liz Ritter.

**B. ROLL CALL:**

CHAIR:	LIZ RITTER
VICE-CHAIR:	WAYNE ABARE, absent
BOARD MEMBERS:	BUD RYAN
	DOUG DIAL, Late
	GEORGE FOSTER
ALTERNATE:	ALLEN RICE
ALTERNATE:	MARY HOFMEISTER
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:  
COUNCIL MEMBER

**C. ADDITIONS/DELETIONS/CHANGE:**

Ritter said that Rice can take Abare's place as alternate & Hofmeister can take Dials place as alternate until he arrives.

**D. CONSENT AGENDA:**

1. **Approval of Minutes** Planning and Zoning Meeting – 05/31/2017  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval

**Motion: Foster/Rice to Approve Minutes for May 31, 2017 as amended, All Vote  
: Aye**

**Corrections:**

Ritter page 4/46 4<sup>th</sup> parag , second line “ based on frontage

Ritter page 4/46 last parag. By Ritter \*

- After (Route 1 Motorsports) but a safety issue on how often it will refresh should be considered...

Ritter page 5/46 approx. 4<sup>th</sup> line from top.. The consensus.....digital sign should be limited.

Rice page 5/46 under “Old Business” last sentence ... The Shores developers ~~had~~ went to.....(just take out had)

Rice page 5/46 under “New Business”... Dial will be late on 7/14/2017 should be 6/14/2017.

**E. PUBLIC:**  
**F. ACTION:**

**G. DISCUSSION:****2. Review & Revise Table 1-19.18 "Zoning District Sign Regulations"****Exhibit:** Agenda Report No. 2**Recommendation:** Discussion

The Board discussed the signs for Route 1 Motorsports, comparing what was submitted for permitting vs what was approved by Council on 3/6/2017.

PZ Board discussed the following:

- Increased in size for the digital portion
- Decreased in height 2 feet
- Top sign "Route 1 Motorsports" increased in width approx. 4 feet

**Public:** Don Krieger 2435 Lineberry Lane spoke about sign for Route 1 Motorsports. Krieger asked if signs are compliant. Krieger asked when something is out of compliant is it normal for Council to become involved or should it be sent to Board of Adjustment (BOA) for a Variance?

Ritter responded that "staff" recommended & sent this to Council. Ryan added it still does not conform to code, neither sign design has been sent to PZ Board for discussion or approval.

Sherear explained to the Board that what was sent to PZ Board from Council was the Table 1-19.18 Zoning District Sign Regulations to revise.

The Board discussed the proper procedures as to how to handle this signage:

- Go the BOA for a variance
- Go back before Council
- Wait for PZ to revise signage Regulations (Ordinance)

Ryan said the signage is not in compliance & should go for a variance because that protects the town if someone else comes along they must go through the same procedure. Ryan had called FDOT inquiring how many feet the signage needs to be off Highway 1, and was told 10 feet.

The Board discussed the digital portion of signage. Ryan said that he had gone to a Council meeting (6/5/2017) and spoke about the signage, Council was unaware that there was a digital portion. Ryan brought up to Council that maybe there should be a minimum time that elapses of 30 seconds.

The Board discussed general signage codes, those in compliance & out of compliance concerning specific standalone sign at Route 1 Motor Sports. Also, discussed approval procedures for signage for Route 1 Motorsports as it was proposed, accepted, and executed.

**Motion Ryan/Hofmeister Recommend Chair & Board Members go before Council on 6/19/2017 to make feelings be heard that things are not going through proper protocol. All Vote; Ayes**

(Questions discussed during meeting to present to Council)

Was there original site plan w/ signage

If signage was not presented to PZ with Site Plan what I procedure?

Is this the new procedure?

If signage is out of compliance should a signage variance be sought?

Does BO (Building Official) decide what is acceptable instead of Code?

What is procedure/protocol?

Why was PZ excluded?

Why is staff's recommendation approved over Boards recommendation? Staff should not be able to by-pass procedures.

Ryan said to discuss all questions tonight...in a public forum & bring to Council:

Questions to be asked of Council?

- 1.) What is by-pass procedural guidelines? (Bud)
- 2.) What is the procedure to approve the sign if it was not on the original site plan? (Mary)
- 3.) Every time procedures are by-passed the Town ends up in a lawsuit
- 4.) What is the value of the PZ Board if it doesn't come by the Board?
- 5.) Does the BO (Building Official) have the authority to override the Code?

Dial arrived 8:45

Ritter brought Dial up to date on Recommendations.

**Motion: Ryan/ Dial: The PZ Board recently became aware of Route 1 Motor Sports sign that the original sign that was approved by Council on 3/6/2017 has been revised. The new sign revisions were received by the Town 6/6/2017. It is our understanding this has been approved by the BO. The PZ Board believes the sign is still out of compliance. Therefore, the PZ Board recommends it goes to the BOA for a Variance Hearing. All Vote Aye**

Krieger suggested to the PZ to control real-estate signage.

The board discussed about signs that are obsolete and the removal process (check Code).

For next meeting:

**H. ADDITIONAL ITEMS FOR FUTURE MEETING**  
**I. PUBLIC**

Don Krieger 2345 Lineberry Lane, spoke about Krieger Drive property for the record at the Workshop Meetings that were held at, discussed two changes page 7 on R/LC (working maps dated May 15, 2017).

Krieger discussed the land use in Town, He never wanted his property to change as R/LC. He believes an Ordinance is in the process. The property is uniquely situated.

Krieger would like to put on record, as a recommendation to Council not change the property "land use" for the property located between Golf Disc Park & Krieger Publishing. The property owner (Krieger Enterprises, Inc) would like the whole parcel to remain RR-65.

Foster explained to Mr. Krieger that the no zoning changes occur unless a property owner comes in and petitions for upgraded zoning.

Krieger also noted that in the past it was noted that if a property owner did not want their "land use" changed it would be respected and that is why he making note of this for the record.

**Motion: Ryan/ Dial Recommendation to Council: The vacant property on south side of Malabar Road east of the Golf Disc Park & west of the CG Parcel known as 1725 Krieger Drive. The property owner (Krieger Enterprises, Inc) wishes his full parcel be unchanged and left at RR-65 Zoning. VOTE: All Ayes**

**J. OLD BUSINESS/NEW BUSINESS:**

Old Business:

New Business:

**Reminder:** Next Meeting – June 28, 2017

**K. ADJOURN**

There being no further business to discuss, MOTION: Ryan/Dial to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9: 59 P.M.

BY:

\_\_\_\_\_  
Liz Ritter, Chair

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

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

DRAFT

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2**  
**Meeting Date: July 12, 2017**

**Prepared By: Denine Sherear, Planning & Zoning Board Secretary**

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**SUBJECT: Continue Discussion on Review & Revise Non-Residential Zoning District Sign Regulations (including Table 1-19.18)**

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**BACKGROUND/HISTORY:**

Continue discussion to review & revise Non-Residential Zoning District Sign Regulations, including Table 1-19.18 as directed by Council.

The PZ Board is reviewing surrounding municipalities to assist with revising the Non-Residential Sign Regulations.

Reminder for each PZ Board Member to bring working documents containing ideas for suggestion to meeting of 7/12/2017 and previous packets from the meetings listed below:

**Please bring your packets from the past PZ Meetings  
4/12/2017, 4/26/2017, 5/10/2017, 5/31/2017, 6/14/2017,  
6/28/2017**

**ATTACHMENTS:**

- Working Excel Spreadsheet Table 1-19.18 (11x17)

**ACTION OPTIONS: Discussion/Action**

① IN CODE BOOK  
PRESENTLY

TABLE 1-19.18. ZONING DISTRICT SIGN REGULATIONS

(1) Sign Regulations Within Residential Zoning Districts:

Sign Type	Accessory	Construction	Directory	Directional	Future Improvement	General Outdoor Advertising	Real Estate	Subdivision
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached	Detached	Wall or Detached	Detached	Wall or Detached
Maximum Number	1	1	1	1	1	1	1	1 per public entrance
Maximum Area	4 sq. ft.	32 sq. ft.	10 sq. ft.	3 sq. ft.	10 sq. ft.	32 sq. ft.	5 sq. ft.	32 sq. ft.
Maximum Height	10 sq. ft.	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 12 ft.	10 ft.	10 ft.	4 ft.	10 ft.
Placement	Must observe all yard regulations	Front setback: 10 ft. Side and Rear: 25 ft.	Must observe all yard regulations	Non-Restricted	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection
Illumination	None	None	Indirect	None	None	None	None	Indirect
Special Regulations	Permitted only in conjunction with a permitted home occupation. See Footnote 1.	Must be removed immediately upon completion of construction	None	None	None	See Footnotes 1 and 2	None	None

(2) Sign Regulations Within Non-Residential Zoning Districts:

Sign Type	Accessory	Accessory	Accessory	Construction	Directory	Directional	Future Improvement	General Outdoor Advertising	Real Estate	Subdivision
Construction Class	Wall	Detached, Marquee, and Projecting	Snipe	Wall or Detached	Wall or Detached	Wall or Detached	Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	3	2 total from this group	4	1	2	2	1	1	3	1 per public entrance
Maximum Area	10% of the wall area, and no more than 60 sq. ft. of cumulative area	60 sq. ft. total cumulative area	1½ sq. ft. each	32 sq. ft.	Sum of 30 sq. ft.	3 sq. ft.	32 sq. ft.	Detached: 3 sq. ft. Wall: 10 sq. ft.	9 sq. ft. each	12 sq. ft.
Maximum Height	Roof line of building	Detached: 25 ft. Others: Roof line of building	Roof line of building	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 10 ft.	10 ft.	10 ft.	Detached: 4 ft. Wall: 8 ft.	10 ft.
Placement	Non-Restricted	Must observe yard regulations and Front setback: 10 ft.	Must observe all yard regulations	Front setback: 10 ft. Side and Rear: 25 ft.	Must observe all yard regulations	Non-Restricted	Front setback: 10 ft. Side and Rear: 25 ft.	Front setback: 10 ft. Rear and Side: 25 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection
Illumination	Direct, Indirect	Direct, Indirect	None	Indirect	Indirect	Indirect	Indirect	Indirect	None	Indirect



② IN CODE BOOK PRESENTLY

Special Regulatios	See Footnotes 1, 3, and 4	See Footnotes 4 and 5	None	Must be immediately removed upon completion of construction	None	None	None	See Footnotes 1 and 2	Buildings of over 10,000 sq. ft. may erect a wall sign of 12 sq. ft. See Footnotes 1 and 6.	See Footnote 3
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Footnotes to charts:

- (1) All inside signs within five (5) feet of a window shall be counted as wall signs and in addition shall not exceed twenty (20) inches of the glassed area of the window in which the sign is located.
- (2) Only permitted are those signs which identify, advertise, and/or direct to a licensed business within two hundred (200) feet of the sign. However, if the sign is three (3) square feet or less in area, the business may be within one (1) mile of the sign.
- (3) Apartment complexes and dwellings of up to ten (10) units are permitted thirty-two (32) square feet. For excess of ten (10) units, one (1) square foot may be added for each unit, up to a maximum of forty-eight (48) square feet in cumulative area.
- (4) If illumination is permitted, sign may not be animated and/or flashing.
- (5) One additional sign of this construction class up to thirty (30) square feet in area shall be permitted for each two hundred (200) feet of street frontage.
- (6) For a group of more than four (4) sites and in lieu of the nine (9) square foot individual lot sign, one thirty-two (32) square feet shall be permitted.

TABLE 1-19.18. ZONING DISTRICT SIGN REGULATIONS

(1) Sign Regulations Within Residential Zoning Districts:

Sign Type	Construction Class	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination	Special Regulations
Accessory	Wall or Detached	1	4 sq. ft.	10 sq. ft.	Must observe all yard regulations	None	Permitted only inconjunction with a permitted home occupation. See Footnote 1.
Construction	Wall or Detached	1	32 sq. ft.	Detached: 10 ft. Wall: Roof line of building	Front setback: 10 ft. Side and Rear: 25 ft.	None	Must be removed immediately upon completion of construction
Directory	Wall or Detached	1	10 sq. ft.	10 ft.	Must observe all yard regulations	Indirect	None
Directional	Wall or Detached	1	3 sq. ft.	Detached: 3 ft. Wall: 12 ft.	Non-Restricted	None	None
Future Improvement	Detached	1	10 sq. ft.	10 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	None	None
General Outdoor Advertising	Wall or Detached	1	32 sq. ft.	10 ft.	No signs to impede vision at any intersection	None	See Footnotes 1 and 2
Real Estate	Detached	1	5 sq. ft.	4 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	None	None
Subdivision	Wall or Detached	1 per public entrance	32 sq. ft.	10 ft.	No signs to impede vision at any intersection	Indirect	None

# ② WORKING DOCUMENT 7/12/17

## 2) Sign Regulations Within Non-Residential Zoning Districts:

Sign Type	Construction Class	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination	Special Regulations
Accessory	Wall	3	10% of the wall area, and no more than 60 sq. ft. of cumulative area	Roof line of building	Non-Restricted	Direct, Indirect	See Footnotes 1, 3, and 4
Accessory	Detached, Marquee, and Projecting	2 total from this group	60 sq. ft. total cumulative area	Detached: 25 ft. Others: Roof line of building	Must observe yard regulations and Front setback: 10 ft.	Direct, Indirect	See Footnotes 4 and 5
Accessory	Snipe	4	1½ sq. ft. each	Roof line of building	Must observe all yard regulations	None	None
Construction	Wall or Detached	1	32 sq. ft.	Detached: 10 ft. Wall: Roof line of building	Front setback: 10 ft. Side and Rear: 25 ft.	Indirect	Must be immediately removed upon completion of construction
Directory	Wall or Detached	2	Sum of 30 sq. ft.	10 ft.	Must observe all yard regulations	Indirect	None
Directional	Wall or Detached	2	3 sq. ft.	Detached: 3 ft. Wall: 10 ft.	Non-Restricted	Indirect	None
Future Improvement	Detached	1	32 sq. ft.	10 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	Indirect	None
General Outdoor Advertising	Wall or Detached	1	Detached: 3 sq. ft. Wall: 10 sq. ft.	10 ft.	Front setback: 10 ft. Rear and Side: 25 ft.	Indirect	See Footnotes 1 and 2
Real Estate	Wall or Detached	3	9 sq. ft. each	Detached: 4 ft. Wall: 8 ft.	Front setback: 10 ft. Side and Rear: 25 ft.	None	Buildings of over 10,000 sq. ft. may erect a wall sign of 12 sq. ft. See Footnotes 1 and 6.
Subdivision	Wall or Detached	1 per public entrance	12 sq. ft.	10 ft.	No signs to impede vision at any intersection	Indirect	See Footnote 3

### Footnotes to charts:

- (1) All inside signs within five (5) feet of a window shall be counted as wall signs and in addition shall not exceed twenty (20) inches of the glassed area of the window in which the sign is located.
- (2) Only permitted are those signs which identify, advertise, and/or direct to a licensed business within two hundred (200) feet of the sign. However, if the sign is three (3) square feet or less in area, the business may be within one (1) mile of the sign.
- (3) Apartment complexes and dwellings of up to ten (10) units are permitted thirty-two (32) square feet. For excess of ten (10) units, one (1) square foot may be added for each unit, up to a maximum of forty-eight (48) square feet in cumulative area.
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- (5) One additional sign of this construction class up to thirty (30) square feet in area shall be permitted for each two hundred (200) feet of street frontage.
- (6) For a group of more than four (4) sites and in lieu of the nine (9) square foot individual lot sign, one thirty-two (32) square feet shall be permitted.

# TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 2  
Meeting Date: July 12, 2016

Prepared By: Denine Sherear, Planning & Zoning Board Secretary

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**SUBJECT: Discuss the Land Development Regulations about "Tiny House" Construction within the Town of Malabar**

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## **BACKGROUND/HISTORY:**

The PZ Board discussed "Tiny Homes" on October 12, 2016 at a PZ Meeting, due to inquiries by potential property owners in the Town of Malabar, asking if "Tiny Homes" are allowed per our town codes. (I have attached the minutes of 10/12/2016 PZ Meeting)

Recently, I (Town of Malabar Building Department) received a few calls inquiring if "Tiny Homes" would be allowed or possibly some type of "subdivision" of tiny homes. I explained that there is presently nothing in our code with the square footage of a "Tiny Home" allowed. As always, I welcome anyone to attend a PZ Meeting and they can speak (by speaker card) informally.

I spoke to Chair, Liz Ritter concerning this inquiry and it was suggested to place on this Agenda for discussion and clarification with corresponding information of Town Codes.

## **ATTACHMENTS:**

- Agenda from October 12, 2016 & Portion of Minutes for PZ Meeting 10/12/2016
- Article III District Provisions Table 1-3.2 & Table 1-3.3(A)

**ACTION OPTIONS:** Discussion

# AGENDA PZ 10/12/16

## TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 2  
Meeting Date: October 12, 2016

Prepared By: Denine Sherear, Planning & Zoning Board Secretary

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**SUBJECT:** Discuss the Land Development Regulations allowing and controlling "Tiny House" Construction within the Town of Malabar

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### **BACKGROUND/HISTORY:**

There has been inquires by telephone and walk-in potential property owners about "Tiny Houses" and if they would be allowed in the Town of Malabar. I spoke to Chair, Pat Reilly to have this as a discussion item for the Planning & Zoning Board.

### **ATTACHMENTS:**

**ACTION OPTIONS:** Discussion

# Portion of Minutes PZ 10/12/16

P&Z MINUTES

10/12/2016

PAGE 3

Reilly entertained a vote of confidence to go forward with abandonment of ROW concerning W. Railroad Ave. Johnston Ave. by this Board:

Ryan- not supportive, due to the way it was presented  
Foster- supportive  
Abare- supportive  
Reilly- supportive (with explanation)  
Dial- supportive, with more details/information

Ryan asked if there is a rush to move forward with this project and DH responded that Mr. Robert Marks has contacted the Town & DH to move project along, DH explained that typically he would not get involved but he is looking out for the financial impact to the Town with the added taxes.

## D. CONSENT AGENDA:

1. **Approval of Minutes** Planning and Zoning Meeting – 07/27/2016  
Planning and Zoning Meeting – 08/10/2016
- Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval

Motion: Abare / Dial to Recommend Approval of Minutes of 7/27/15 as presented All Vote: Aye

Motion: Abare / Foster to Recommend Approval of Minutes of 8/10/15 as corrected All Vote: Aye

Correction of Minutes:

Reilly:

- page 6/25 last sentence JayBar should be J Bar E

Doug:

- page 7/25 2<sup>nd</sup> parag. 2<sup>nd</sup> sentence at end horse = horses
- page 7/25 3<sup>rd</sup> sentence after Meghan , a = at
- page 7/25 5<sup>th</sup> parag. horse = horses

## E. PUBLIC HEARING

### F. ACTION:

### G. DISCUSSION:

2. **Discuss the Land Development Regulations allowing and controlling "Tiny House" Construction within the Town of Malabar**

**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion

Reilly said that we already have in our code what Malabar determines to be the smallest Single Family Residence (SFR).

Sherear has received two walk-in inquiries and a few phone calls from potential property owners to build a "tiny house" on a large piece of property in the Town of Malabar. Sherear explained that presently in our code, we do not allow for "tiny houses" and anyone is welcome to come to a PZ Meeting and present their suggestions.

The Board discussed this "tiny houses" that was approved in Rockledge in FL.

Dial explained that this is a national trend right now across the country that people are downsizing; this is part of the "green movement."

Reilly said we could end it tonight, or discuss further to potentially change code.

**Motion: Ryan/Abare to not discuss further the "tiny houses" All Vote: Aye**

- H. ADDITIONAL ITEMS FOR FUTURE MEETING
- I. PUBLIC
- J. OLD BUSINESS/NEW BUSINESS:

Abare said that we have a potential new PZ (alternate) Member Alan Rice, who lives in Rocky Point subdivision. Reilly said he was approved on October 3, 2016 and term starts November 9, 2016. Another potential "Alternate Member" is Mary Hofmiester, The swearing in is November 9, 2016.

Reilly said they need to put for "Action Item" to move Doug Dial to a regular PZ Board Member at the November 7, 2016 Town Council Meeting.

Old Business:

Sherear told PZ Board that Route 1 Motor Sports picked up all their permits to start construction.

The Board asked about Paladin project for the assisted living facility, and Sherear responded that she has not heard anything since last time they called about 8 month ago, Gary Parrish and they were still moving forward.

New Business:

Reilly to discuss calendar for November & December Meetings for PZ:

- The October 26, 2016 tentatively Cancel Meeting unless something from the RTCM on October 17, 2016 needs to be discussed.
- November 9, 2016 need to Vote a new Chair and Vice Chair.
- November 23, 2016 traditionally off the day before Thanksgiving no meeting , **All Vote: Aye**
- December 28, 2016 over the Christmas Break no meeting, **All Vote: Aye**

Reilly would like to thank the Board for the 15 years on the Board for all work and efforts, Reilly started on PZ Board in November 2001, due to Mayor Eschenberg and Richard Cameron.

**K. ADJOURN**

**Reilly stated without objection meeting adjourned.**

There being no further business to discuss, **MOTION: Abare/Ryan to adjourn this meeting. Vote: All Ayes.** The meeting adjourned 8:48P.M.

BY:

\_\_\_\_\_  
Patrick Reilly, Chair

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
<b>RESIDENTIAL USES</b>														
Duplex					P	P					P			
Mobile Homes							P							
Multiple Family Dwelling					P	P					P			
Single Family Dwellings	P	P	P	P	P	P	P				P			
<b>COMMUNITY FACILITIES</b>														
Administrative Services (Public and Not-for-Profit)								P	P	P	P		P	
Child Care Facilities								C			C		C	
Churches, Synagogues and Other Places of Worship	C	C	C	C	C	C		P, A <sup>1</sup>	P	P	P		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 Fa- cilities								C					C	
Nursing Homes and Related Health Care Facilities					C	C		C					C	C
Protective Services					C	C	C	C	C	C	C	C	C	C
Public Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public and Private Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<b>COMMUNITY RESIDENTIAL HOME</b>														
Level 1 (1 to 6 residents/beds)	C <sup>3</sup>				C	C							C	
Level 2 (7 to 14 residents/beds)					C	C								
<b>ASSISTED CARE COMMUNITIES</b>														
I Assisted Living Facility											C			
Level 1 (1 to 5 residents/beds)		C	C	C	C <sup>4</sup>	C <sup>4</sup>								
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	
<b>AGRICULTURAL ACTIVITIES</b>														

DISTRICT PROVISIONS

§ 1-3.2



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
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 Arcade Amusement Center/ Electronic Gaming Establishment										P				
Funeral Homes									P	P	C			
General Retail Sales and Services										P				
Hotels and Motels									P	P	P			
Limited Commercial Activities										C*				
Marine Commercial Activities								P	P	P	P			
Medical Services									C	P		P		
Mini Warehouse/Storage								P	P	P	P		P	
Parking Lots and Facilities									P	P	P			
Retail Plant Nurseries														
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										C*		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												C		
Kennels												P		
Manufacturing Activities														

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
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, and West Railroad Avenue.  
 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 1-2.6.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)

DISTRICT PROVISIONS

§ 1-3.2

**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. 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) with Central Water and 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	25	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
<b>Mixed Use Development</b>													
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*	20	65	n/a	35	6
					Commercial: Min. Area: 900 Mux. Area 4,000						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
<b>Office Development</b>													

DISTRICT PROVISIONS

§ 1-3.3

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) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (I)	Side (C)				
O1	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	65	20	35	N/A
<b>Commercial Development</b>													
CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	25	10 <sup>4</sup> 15 <sup>3</sup>	20	65	0.20	35	N/A
					Min. Area: 900 Max. Area 4,000								N/A
CG	20,000	100	150	35/3	Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	20 <sup>4</sup> 15 <sup>3</sup>	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>6</sup>	25 100 <sup>5</sup>	20 100 <sup>5</sup>	30 100 <sup>6</sup>	70	0.42	30	N/A
<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
<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.