

TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: November 19, 2015

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

SUBJECT: Approval of Minutes

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 October 28, 2015

Draft minutes of P&Z Board Meeting of September 23, 2015(not ready yet)

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
October 28, 2015 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 7:30 P.M. Prayer and Pledge led by Vice Chair Liz Ritter.

B. ROLL CALL:

CHAIR:	PAT REILLY, excused
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	DOUG DIAL, excused
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR, excused
RECORDING SECRETARY:	DEBBY FRANKLIN, TOWN CLERK/TREASURER

ADDITIONAL ATTENDEES: none

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA:

- | | | |
|----|----------------------------|--|
| 1. | Approval of Minutes | Planning and Zoning Meeting – 9/09/15 |
| | | Planning and Zoning Meeting – 9/23/15 Not Ready |
| | Exhibit: | Agenda Report No. 1 |
| | Recommendation: | Request Approval |

Motion: Abare / Ryan: to approve Minutes of 9/09/15 as corrected **Vote: All Ayes**

Ritter said on pg 4/16 randy carmichael one down – he is not asking to accept-sb did not want accept. 2 para later Foster – ROW in front – remove it. Bottom line of para – losing 5/16 3rd para Abare – something missing. Last para sb where the board is split – doesn't make sense. Take out things were. 6/16 - 6th line from bottom. Sb on. Talking about ph notice. 1st sentence 7/16 – row and abandonment of row - is there a difference between. And then septic – she didn't understand. Wayne said move it up to water/sewer 8/16 – 1st sentence remove not from what foster is saying.

E. PUBLIC HEARING: none

F. ACTION: none

G. DISCUSSION:

- | | |
|----|---|
| 2. | Continue Discussion to Amending Assisted Living Facilities (ALF) Ordinance 2014-01 ref: to Office/Institutional (OI) Zoning. |
| | Exhibit: Agenda Report No. 2 |
| | Recommendation: Discussion |

Liz said in the definition for OI residential is not permitted. Wanted to remove any residential use in OI. Foster said it is removing ALF from OI. Ryan said it is both. Foster said he thought the discussion was about removing ALF and nursing homes from OI.

Wayne said in 09/09/15 min they went through and marked up stuff and were going to look at this again when the Board was fresh. Ref Ord 2014-01 – walk through this....Foster said on 10/16 is not in that chart.

Foster said he doesn't recall residential being taken out of OI. Maybe never was in. Liz said you can't spend a night in OI.

Wayne said the colored handouts helped out a lot. Liz said the FL Statutes have changed. Foster asked if she had time. This is a lot of weeds.

Liz said she listed the changes that were from 2015 – made quite a few changes in 2015. FS419 wasn't even included next new law. Wayne said they went through Ord 2014-01 at last mtg.

MOTION: Wayne / _____ to delay this until next meeting. Foster said does Liz think we need to do a little more work or a lot. Liz said a lot. Foster asked what they can review. The ord adopted in 2014 and compare it to the new changes in the law. Wayne said they plowed through this at last meeting. Liz said they need to take more of a look at it. Bud said he thinks it is important to allow things that comply with Statute. Wayne said we should just state what we don't want to allow.

Foster asked if they are trying to prohibit nursing homes and such. Liz said no, they just have to know what they are and where they can be located.

Wayne said what if they want to – Bud presented a listing showing that there are 35 ALF within 5 miles already. Foster asked what are the three points on limiting the ALFs.

Wayne would like to have someone come talk to us. Foster said his wife has been in this for 30 years. Wayne said what is broken. We are not being mean spirited. Bud asked for his handout back. Liz asked Debby to scan and send it out to all members.

Liz said go to 9/23 min page 28/30. Or Pg 14/16 in today's pkg. Level 1 – 1-6 residents

Level 2 – RM4 and RM6. How much RM4 us available, Franklin said none.

Look at intent in the statute. FS419 – frail elder, non-dangerous person, dependent care needed. Wayne said we should ask atty. Liz said one of the good things is that Malabar doesn't have water and sewer. Liz said we don't want ALF in OI. Wayne asked why do we care about OI if you can't prohibit them in residential.

3. Continue Discussion: The 500 ft. Radius notification for Public Hearings

Exhibit: Agenda Report No. 3

Recommendation: Discussion

Bud Ryan said it should be decided by P&Z. The criteria should be based on type of application. Wayne said it is just smell or noise. Bud said it is more than that – it is traffic patterns. Liz said FL DEP will require water and sewer. It is not Paladin's choice – whoever checks the septic. Liz said you do have a choice. When they put in water and sewer down Hwy 1. Foster asked Franklin what they use for notification. Franklin said per direction by Council we use 500' for notification of public hearings. When the water and sewer was being considered everyone along Hwy 1, from north end to south end of town and all side streets.

Foster said put it in record that council already has directed that it should be 500' for notification. Wayne agrees the default sb 500 and #8 sb more.

4. Continue Discussion: Article III- District Provisions Table 1-3.2 Land Use by District Community Facilities- Reference to Churches & "Conditional Uses"

Exhibit: Agenda Report No. 4

Recommendation: Discussion

Wayne wanted to prohibit churches and ALFs in residential zoning. He feels these uses can be in other zonings as a "conditional use" but not in strictly residential zoning such as RS-10, RS-15, RS-21, RS-65, MH and R/LC. He said people largest investment is their home and if they spend large amounts of money and then learn that the neighbors are opening a family care facility of fewer than six persons without any approval process from the municipality or any other agency. What about a 3 br/2ba home that is now holding 6 persons plus the caretaker. What about sewage? What about water quality? Board asked Debby to get opinion from Attorney.

H. ADDITIONAL ITEMS FOR FUTURE MEETING

I. PUBLIC

J. OLD BUSINESS/NEW BUSINESS:

K. ADJOURN

There being no further business to discuss, MOTION: Ryan / Abare to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:15 P.M.

BY:

Liz Ritter, Vice Chair

Debby Franklin, Recording Secretary

Date Approved: as presented/corrected

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: November 19, 2015

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

SUBJECT: Discuss Amending Assisted Living Facility (ALF) Ordinance 2014- 01 in ref: to Office Institutional (OI) Zoning.

BACKGROUND/HISTORY:

The PZ reviewed this Ordinance (Ord.2014-01) at the last few PZ Meetings. The PZ Board suggested revising the Part I "Long –Term Care Facility" paragraph in accordance with the Florida Statutes Title XXX, for clarification.

Board Members will review and bring back suggestions from past meetings along with material and handouts.

ATTACHMENTS:

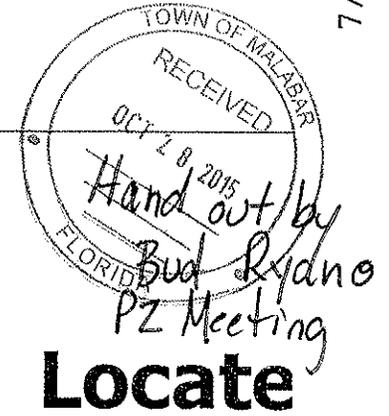
- Board Member Bud Ryan handout from 10/28/15 PZ Meeting.

PLEASE BRING BOARD MEMBER LIZ RITTER'S HANDOUTS FROM PREVIOUS MEETINGS (BRIGHT COLORED PAPER)

ACTION OPTIONS:

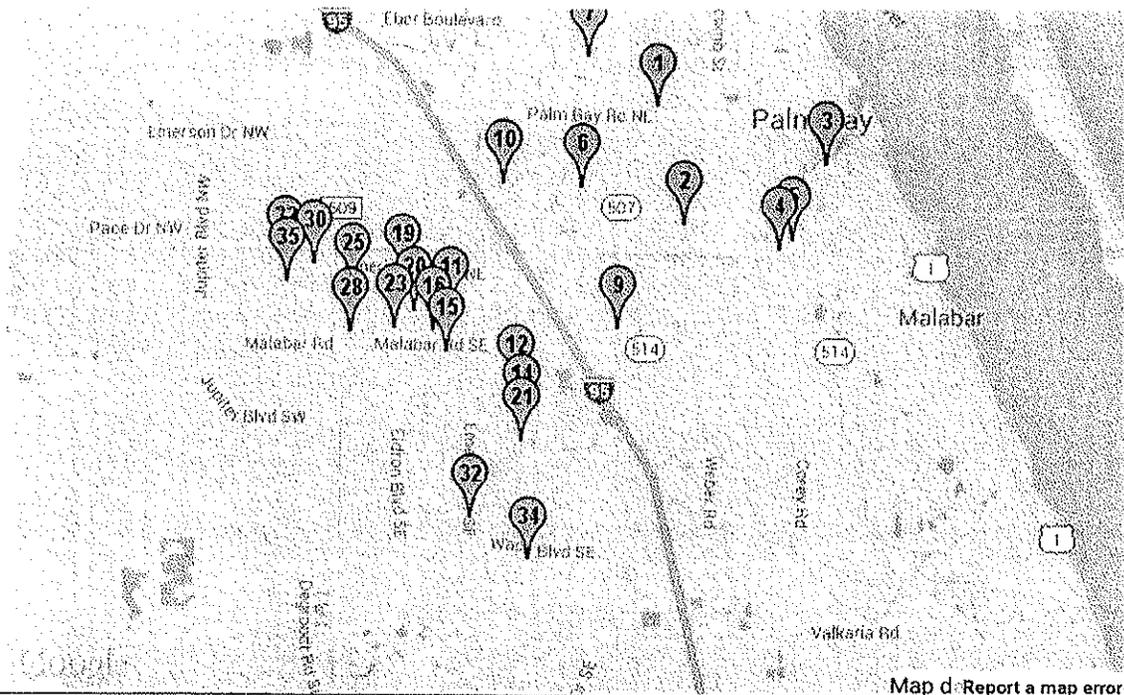
Discussion

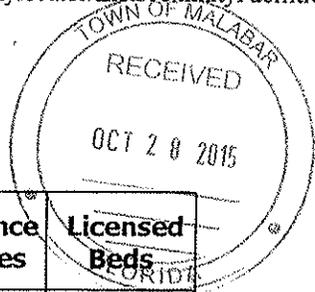
7/21



Facility/Provider Locator By Proximity Search Results

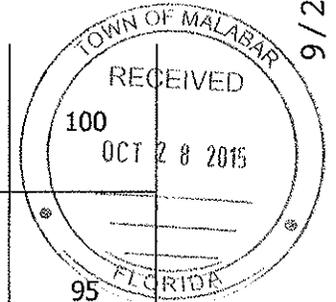
Assisted Living Facility locations within 5 Miles of
FL 32905



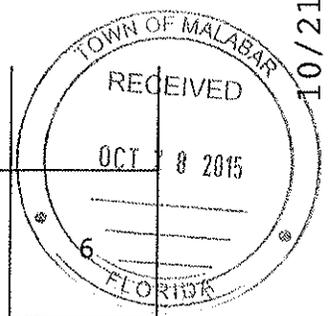


Map ID	Name	Type	Street Address	City	State	Zip	Phone Number	Distance in miles	Licensed Beds
1	CRISTAL PALACE RESORT PB LLC 	Assisted Living Facility	1881 PALM BAY RD	PALM BAY	FL	32905		0.81	252
2	HOUSE OF LIGHT SENIOR LIVING II 	Assisted Living Facility	839 CHELSEA AVE NE	PALM BAY	FL	32905	(321) 806-7091	0.93	5
3	BETHESDA ON TURKEY CREEK 	Assisted Living Facility	2800 FORDHAM ROAD, NE	PALM BAY	FL	32905	(321) 723-3288	1.15	109
4	GLENBROOKE AT PALM BAY 	Assisted Living Facility	815 BRIAR CREEK BLVD NE	PALM BAY	FL	32905	(321) 956-3330	1.26	60
5	A PLACE LIKE HOME ALF, INC 	Assisted Living Facility	1971 PORT MALABAR BLVD	PALM BAY	FL	32905	(321) 693-3325	1.27	6
6	VELROSE ALF 	Assisted Living Facility	1064 BRIARWOOD BLVD NE	PALM BAY	FL	32905	(321) 327-8853	1.57	6

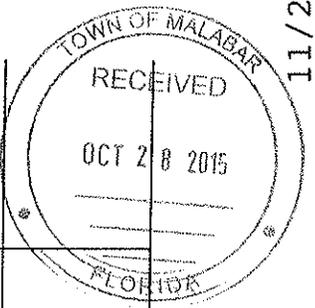
7	FOUNTAINS OF MELBOURNE 	Assisted Living Facility	4451 STACK BLVD	MELBOURNE	FL	32901	(321) 984-1494	1.76	
8	CENTURY OAKS SENIOR LIVING 	Assisted Living Facility	4001 STACK BOULEVARD	MELBOURNE	FL	32901	(321) 722-4440	1.91	
9	PARADISE HILL HOME ASSISTED LIVING FACILITY 	Assisted Living Facility	1682 LARA ST NE	PALM BAY	FL	32907	(321) 327-4153	2.26	5
10	GUIDING LIGHT SENIOR LIVING INC 	Assisted Living Facility	1025 NEWBERN ST NE	PALM BAY	FL	32905		2.39	5
11	DAISY ASSISTED LIVING, LLC. 	Assisted Living Facility	302 BORDEAUX AVE NE	PALM BAY	FL	32909	(321) 345-4039	3.41	5
12	PEACE HAVEN ALF 	Assisted Living Facility	1090 DOUGLAS STREET SE	PALM BAY	FL	32909	(321) 728-9459	3.42	6
13	A & M ASSISTED LIVING	Assisted Living Facility	2180 STRATFORD POINTE DR	WEST MELBOURNE	FL	32904-8008	(321) 604-8853	3.57	6



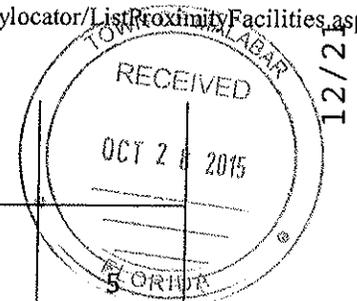
	FACILITY II 								
14	NOMEL'S ALF INC 	Assisted Living Facility	3818 JUPITER BLVD SE	PALM BAY	FL	32909	(321) 984-4265	3.63	
15	J & K ASSISTED LIVING, INC 	Assisted Living Facility	133 LEHIGH AVE SE	PALM BAY	FL	32909	(321) 704-0053	3.68	5
16	LE BONFIRE, INC 	Assisted Living Facility	152 BONFIRE AVE	PALM BAY	FL	32907	(321) 473-8227	3.68	5
17	SHANGRI-LA OF MELBOURNE ALF, LLC 	Assisted Living Facility	2204 PARSONS AVE	MELBOURNE	FL	32901	(321) 298-5593	3.71	6
18	GRAMMYS HOUSE CORP 	Assisted Living Facility	3401 LAKEWOOD DR	MELBOURNE	FL	32904	(321) 508-5514	3.72	5
19	SERENITY LIFESTYLE PLUS, LLC 	Assisted Living Facility	490 BRIGHTON AVE NE	PALM BAY	FL	32907	(321) 951-4070	3.73	6
20	CHRISTIE'S PLACE	Assisted Living	471 ALMANSA STREET NE	PALM BAY	FL	32907	(321) 727-0905	3.75	6



10/21



	ASSISTED LIVING FACILITY 	Facility							
21	STILLWATER BRICKELL 	Assisted Living Facility	1139 BRICKELL ST	PALM BAY	FL	32909	(321) 409-9390	3.83	5
22	HIBISCUS COURT 	Assisted Living Facility	540 EAST HIBISCUS BLVD.	MELBOURNE	FL	32901	(321) 951-1050	3.88	78
23	B & V LA BELLE VIE ASSISTED LIVING 	Assisted Living Facility	193 ELDRON BLVD NE	PALM BAY	FL	32907	321-373-7262	4.03	6
24	BROOKSHIRE (THE) 	Assisted Living Facility	85 BULLDOG BLVD	MELBOURNE	FL	32901-3319	(321) 984-7966	4.09	135
25	ARK CENTER OF BREVARD II 	Assisted Living Facility	424 VERONICA AVE NE	PALM BAY	FL	32907-1925	(321) 473-8806	4.26	5
26	GRAND VILLA OF MELBOURNE 	Assisted Living Facility	964 S HARBOUR CITY BLVD	MELBOURNE	FL	32901	(321) 725-0300	4.43	130
27	BOPPA'S	Assisted	163 AVIATION	PALM BAY	FL	32907		4.48	5



	HOME 2 LLC 	Living Facility	AVE						
28	K&S TENDER CARE LLC 	Assisted Living Facility	155 AVIATION AVE NE	PALM BAY	FL	32907	(321) 557-6588	4.49	
29	BROOKDALE MELBOURNE 	Assisted Living Facility	1765 WEST HIBISCUS BLVD	MELBOURNE	FL	32901	(407) 733-7111	4.59	102
30	ZION'S II ASSISTED LIVING, INC 	Assisted Living Facility	256 BARBAROSSA RD NW	PALM BAY	FL	32907	(321) 693-0282	4.59	6
31	BV ASSISTED LIVING INC. 	Assisted Living Facility	2127 W. NEW HAVEN AVENUE	WEST MELBOURNE	FL	32904	(321) 724-0060	4.67	52
32	BLUE FOUNTAIN HOME CARE, LLC 	Assisted Living Facility	2440 EMERSON DRIVE SE	PALM BAY	FL	32909	(321) 914-4069	4.82	6
33	NO BETTER PLACE INC 	Assisted Living Facility	429 FREEMAN ROAD NW	PALM BAY	FL	32907	(321) 327-3335	4.87	6
34	GLENVILLE PINES ALF 	Assisted Living Facility	1351 STEELE RD SE	PALM BAY	FL	32909	(321) 984-7568	4.92	5

35	BOPPA'S HOME LLC	 Assisted Living Facility	440 CATALINA AVE NW	PALM BAY	FL	32907	(419) 296-3279	4.93
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TOWN OF MALABAR
PLANNING AND ZONING
AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: November 19, 2015

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

SUBJECT: Discuss 500 ft. Radius notification for Public Hearings

BACKGROUND/HISTORY:

The PZ Board would like to discuss the radius notification for Public Hearings to see if the radius area needs to be extended more than 500 feet for each specific subject area for "Public Hearings". The Board made a list at a previous PZ Meeting to work on radius distances and where they could be placed in the Code Book.

At the PZ Meeting on 10/28/15 the Board filled in worksheet for review at this meeting.

ATTACHMENTS:

- Work Sheet for Radius Notifications (filled In)

ACTION OPTIONS:

Discussion

Work Sheet for Agenda Item # 3

Radius Notifications

P+Z mtg
10/28/15

#	SUBJECT	RADIUS FOOTAGE	LOCATION IN CODE BOOK
1.	Site Plan Review	Default is already 500'	
2.	Commercial Site Plan Review	I	I
3.	All Conditional Uses	I	I
4.	Public Utilities	All that may be affected	
5.	Abandonment of ROW	SAME as # 8	
6.	BOA for Variances	500'	
7.	Land Use Changes & Rezoning	500'	Art XII
8.	Abandonment of Improved & Unimproved of existing ROW	Greater THAN 500'	Art XII
9.			
10.			
11.			
12.			
13.			
14.			

Art VII

Art VII

Art VI

Art XVII

Chap 2



TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4
Meeting Date: November 19, 2015

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

SUBJECT: Article III- District Provisions Table 1-3.2 Land Use by District Community Facilities- Reference to Churches & "Conditional Uses"

BACKGROUND/HISTORY:

The Board discussed Table 1-3.2 at the last few PZ Meetings, they would like to review this Table and make suggestions to revise the "C's" which represents Conditional Use that are listed under the Community Facilities in reference to Churches in the Town of Malabar.

It is the suggestion of the Board to remove the "C's" in residential zoning districts. There were corrections made on Table 1-3.2 Land Use by Districts under "Community Facilities", "OI" zoning to made larger #1's not small #1's per footnotes. This is noted on attached Table 1-3.2.

At the last PZ Meeting on 10/28/15 it was recommended to Debby Franklin, Town Clerk/Treasurer (recording secretary) by the Board to get Attorneys opinion.

ATTACHMENTS:

- Attorneys opinion
- Table 1-3.2 Land Use by District

ACTION OPTIONS:

Discussion

Denine Sherear

From: Debby Franklin
Sent: Thursday, October 29, 2015 4:59 PM
To: wabare@cfl.rr.com; GEorgesfoster@bellsouth.net; fllizritter@aol.com; dougdial@icloud.com; 'Bud Ryan'; Pat Reilly; Denine Sherear
Cc: Douglas C. Hoyt; Marisa Acquaviva; B.vailtownofmalabar@yahoo.com; Grant Ball; Don Krieger; dickkorn; beattycarl@aol.com
Subject: FW: question from PZ Religious and Group Home zoning

The question came up in the P&Z mtg last night that the town can prohibit the group homes (6 or less) non-related persons kept with 24hr period in private homes in residential neighborhoods. Mr. Abare thought the town should have the authority to regulate where these uses can be conducted. The same question came up about churches located in residential zoning.

It appears from what Mr. Bohne is stating that the town can prohibit these uses in residential areas.

Debby K. Franklin, C.M.C.

Town Clerk/Treasurer
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
townclerk@townofmalabar.org
321-727-7764 x12
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From: Karl Bohne [mailto:KBohne@fla-lawyers.com]
Sent: Thursday, October 29, 2015 4:45 PM
To: Debby Franklin <townclerk@townofmalabar.org>
Subject: RE: question from PZ Religious and Group Home zoning

As far as the church issue is concerned it really is not a function of home rule but a matter of zoning and compliance with federal law. Congress passed the Religious Land Use and Institutionalized Persons Act of 2000¹ (or RLUIPA,) to protect the religious freedom of people wanting to use zoned land for religious purposes, and to protect religious freedom. RLUIPA prohibits zoning and land use laws that substantially burden the religious exercise of churches or other religious assemblies or institutions unless implementation of such laws is the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses. In addition, RLUIPA prohibits zoning and land use laws that (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions; (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination; (3) totally exclude religious assemblies from a jurisdiction; or (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

As long as the "churches" are not being treated differently than a secular entity then it is possible to enact legislation limiting their location. But we must approach it carefully so that if challenged we can prevail.

As far as question about group homes (fewer than 6 people and home rule this again is dealt with under zoning and state statutory law.

166.0445 Family day care homes; local zoning regulation.—The operation of a residence as a family day care home, as defined by law, registered or licensed with the Department of Children and Families shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family day care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of \$50, to operate in an area zoned for residential use.

If it is a valid use then I am of the opinion this type of facility can not be zoned out. Adult Family-Care Homes, Part II of Chapter 429; FS 429.65 (2); (2)"Adult family-care home" means a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives. The following family-type living arrangements are not required to be licensed as an adult family-care home:

The other group type home facilities do not appear to have the same zoning requirements. According to FS 429.445 No facility licensed under this part may commence any construction which will expand the size of the existing structure unless the licensee first submits to the agency proof that such construction **will be in compliance with applicable local zoning requirements**. Facilities with a licensed capacity of less than 15 persons shall comply with the provisions of chapter 419. F.S. 419.001 states, in part, (4)Community residential homes, including homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other. A planned residential community must comply with the applicable local government's land development code and other local ordinances. A local government may not impose proximity limitations between homes within a planned residential community if such limitations are based solely on the types of residents anticipated to be living in the community and (8) A dwelling unit housing a community residential home established pursuant to this section shall be subject to the same local laws and ordinances applicable to other noncommercial, residential family units in the area in which it is established and (11)The siting of community residential homes in areas zoned for single family shall be governed by local zoning ordinances. Nothing in this section prohibits a local government from authorizing the development of community residential homes in areas zoned for single family and (12)Nothing in this section requires any local government to adopt a new ordinance if it has in place an ordinance governing the placement of community residential homes that meet the criteria of this section. State law on community residential homes controls over local ordinances, but nothing in this section prohibits a local government from adopting more liberal standards for siting such homes.

So as long as the facility is not a family day care home then it does appear it can be prohibited from residential zones.

From: Debby Franklin [<mailto:townclerk@townofmalabar.org>]
Sent: Thursday, October 29, 2015 3:57 PM
To: Karl Bohne
Subject: question from PZ

Does the Town have any home rule power over amending zoning regulations to prohibit "group homes" (fewer than 6 unrelated people) in residential areas?

Same question but related to churches in residential areas – can they be prohibited?

Debby K. Franklin, C.M.C.

Town Clerk/Treasurer
Town of Malabar
2725 Malabar Road
Malabar, FL 32950
townclerk@townofmalabar.org
321-727-7764 x12
321-722-2234 Fax
321-536-5657 Cell
Town Website: www.townofmalabar.org

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	
Churches, Synagogues and Other Places of Worship	C	C	C	C	C	C		P, A ¹	P	P	P		P	
Clubs and Lodges (Not-for-Profit)									P	P				
Cultural or Civic Activities								P		P				
Educational Institutions								C, A ¹	P	P	P		P	
Golf Course Facilities	C												C	
Hospital and other Licensed Fa- cilities								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 ³				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 ⁴	C ⁴					C			
Level 2 (6 to 15 residents/beds)					C ⁴	C ⁴								
Level 3 (16 or more residents/ beds)					C ⁴	C ⁴								
II Adult Family-Care Homes (1 to 5 residents/beds)														
	C ³	C	C	C	C	C					C			
III Adult Day Care Centers														
					C	C		C			C		C	
AGRICULTURAL ACTIVITIES														

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														
Bars and Lounges										C				
Bed and Breakfast										C				
Business and Professional Offices											P ¹			
Enclosed Commercial Amusement								P	P	P	P	P	P	
Arcade Amusement Center/ Electronic Gaming Establishment										P				
Funeral Homes										C ²				
General Retail Sales and Services									P	P	C			
Hotels and Motels										P				
Limited Commercial Activities										P				
Marine Commercial Activities									P	P	P			
Medical Services										C*				
Mini Warehouse/Storage								P	P	P	P			
Parking Lots and Facilities									C	P		P		
Retail Plant Nurseries								P	P	P	P		P	
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)										P				
Service Station, Including Gasoline Sales														
Trades and Skilled Services										C*		C*		
Veterinary Medical Services										C*		P		
Vehicular Sales and Services								P	P	P	C	P		
Vehicular Services and Maintenance										C*		P		
Wholesale Trades and Services										C*		P		
INDUSTRIAL ACTIVITIES														
Kennels													C	
Manufacturing Activities													P	

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												P		
Warehouse, Storage and Distribution Activities										C*		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.

¹ 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.

² 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.

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

⁴ 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)