

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1
Meeting Date: July 27, 2016

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 June 22, 2016

Draft minutes of P&Z Board Meeting of July 13, 2016

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 22, 2016 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 Chair Pat Reilly.

B. ROLL CALL:

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	DOUG DIAL, excused
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

C. ADDITIONS/DELETIONS/CHANGES: none

D. CONSENT AGENDA:

- | | |
|------------------------|--|
| 1. Approval of Minutes | Planning and Zoning Meeting – 05/11/2016 |
| Exhibit: | Agenda Report No. 1 |
| Recommendation: | Request Approval |

Motion: Ryan /Ritter: To Recommend Approval Minutes of 05/11/2016 as present All Vote; Aye

E. PUBLIC HEARING: none

F. ACTION:

G. DISCUSSION:

- | | |
|---|---------------------|
| 2. Discuss the 5-year Capital Improvement Plan - 2016 | |
| Exhibit: | Agenda Report No. 2 |
| Recommendation: | Discussion |

The Board discussed the 5-year Improvement Plan from the past (2014) and went over the following list below:

- Community Center – no
- Town Hall Land- use Fire Dept./community park area
- River Front access- no
- Extend Marie to Atz-no
- Corey Right Turn Ln- in process
- Fire Department Emergency Light- no

- Resurface West Hall- yes?
- Resurface West Atz Rd- ?
- Resurface Old Mission- no
- Trailhead Restrooms- yes in progress
- Huggins Park Upgrade- no
- Malabar Rd Bike Path- no
- Weber Right Turn Lane- progression
- Artesian Hydrant- no
- Baseball Field Dugouts & Concession Stand-no

Foster, said Doug Hoyt has all to deal with the road issues and drainage issues throughout the Town to upgrade & repair.

Ritter asked about the map of the fire hydrant throughout the Town, Sherear would provide next meeting.

Reilly said the goal is to move something forward to Council, creating another page 68/75 (use page 27 of 75) from the 5/11/2016 PZ Meeting for the next meeting on 7/13/2016. Page 8/14 (PZ Meeting 6/22/2016)

Reilly suggested turning in a final list to Council at next meeting.

Ritter asked about retention ponds for the Town.

Foster brought Ryan up to date about questioning about the Fire Department going to the County, from Foster's understanding that Brevard County is willing to take over and charge the residents \$300.00 (on taxes) and use the existing Fire Depart. for Town Hall and Community Center, etc. Ryan asked Abare about the study that was done on the Fire Department when he was on Council, to see if it is available and accurate. Abare responded that Debby could have report at Town Hall.

3. EAR Comp Plan- Letter from Department of Economic Opportunity (DEO)

Exhibit: Agenda Report No. 3
Recommendation: Discussion

Reilly explained to Board about the process of the EAR in 2009 every so often we have to do updates, now this is the DOE. Reilly explained the only thing that could change would be the "goal" and "objectives".

Reilly suggested recommending to Council that anything having to do with "Schools" be removed. The original Comp Plan had to include Schools and we had to designate an area, in which we did over by Osage Road. If we continue to have schools included in the plan, the Town is expected to attend meetings.

In response to the DEO letter sent to the Mayor, date 6/9/2016 Planning & Zoning Recommends...

Motion: Ritter/Ryan to Recommend to Council to have all things related to Schools be remove from the Comp Plan. I.e. as applicable to Schools in Chapter 8 & 9, etc. in the Comp Plan

All Vote: Aye

Reilly said for Board to look over the Comp Plan and see if there is anything else that needs to be remove, change, and/or review.

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

Old Business:

Abare said that PZ sent Council our plan for R/LC, Council has an issue with the definition how can we move forward on this item.

Reilly said that if you look at the Table 1.3.3(A) it defines the density with or without water. Ritter suggested there should be another denominator for RR-65 involving the density factor.

Sherear explained that there has not been any further workshops.

Ryan said the subject of drainage has popped up, what is PZ involvement in drainage. Reilly said that PZ does not do anything with drainage. The drainage is under Council and the Town Administrator.

Foster said that drainage comes up because it is such a big thing in the Town. Ryan said it is an annual occurrence.

Ryan asks why it shows up in P&Z documents, Board explains it is on

New Business:

Reilly discussed the future meetings,

Sherear shared with Board upcoming meetings:

- July 13, 2016 Vacate of a ROW
- Aug 10, 2016 CUP Horse Boarding/ Training Private Lessons

K. ADJOURN

There being no further business to discuss, MOTION: Abare /Ryan to adjourn this meeting. Vote: All Ayes. The meeting adjourned 8:32P.M.

BY:

Patrick Reilly, Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

"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
July 13, 2016 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 Chair Pat Reilly.

B. ROLL CALL:

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

ADDITIONAL ATTENDEES: TA Hoyt, Engineer Morris Smith, Mayor Crews

C. ADDITIONS/DELETIONS/CHANGES: Moved "Public" up before the PH.

D. CONSENT AGENDA:

1. Approval of Minutes Planning and Zoning Meeting – 06/22/2016 **not ready**

E. PUBLIC: Doug Hoyt, TA, spoke on SR514 improvement project. Across the U.S. the per capita vehicle accidents are going down but not in Malabar. Per the feds each fatality cost 2.5 mil to the public. He is not making light of this. He is aggravated as a citizen. He sent out a missive to everyone from the Governor on down and 20 minutes later he got a call from FDOT. He has gotten the attention of FDOT. He talked about the public meeting FDOT will be holding on 7/20 at PB hospital at 4:30 in their meeting room. 55 is too fast for this road. FDOT says they won't be putting up traffic signals. He has talked to FHP and BCSO. Talk to your neighbors and get everyone to attend. The intersection improvements will make Malabar Road more attractive by reducing the speed. It will be more valuable if changed to OI and CG. Over last ten years we have spent 999K more than we have brought in. Town is coming to point of not being fiscally stable. Citizens are complaining not about wanting more parks but they want to improve the roads and drainage. It can't all come from ad valorem. We are looking at all other sources. Ryan asked what our cash on hand was. 990K. Ryan asked if we have looked at out sourcing fire and PW. He was looking at GV and they outsource PW. TA said we are building 10-12 houses per year and have done 12 commercial projects in the past 10 years. He wants to keep it rural but not go broke.

Wayne said 2 years ago, we got 24/7 coverage with Lts. At the Fire Dept. and he suggested doing a special assessment to cover the additional expense and the other council members did not agree. But somehow it has to get paid for. Wayne said in the past during the budget if they have extra they could improve a road or drainage. After they started the 24/7 there is no money left to do any road or drainage.

Chair thanked TA. TA reminded all to talk to their neighbors and promote attending the meeting on July 20 at 4:30 at the hospital.

E. PUBLIC HEARING:

2. **Vacate Unimproved 30 feet wide Right-of-Way known as Johnston Ave from W. Railroad Avenue west 543.36 feet, adjacent to the furthest point of property owned by applicant. - (Applicant Robert Marks/President of AAA Malabar Storage, Inc)**

Exhibit: Agenda Report No. 2

Recommendation: Request Approval

Chair Reilly reads that this is a quasi-judicial hearing and he read the requirements for same. He also said anyone talking to or meeting with involved parties or visiting the site should make disclosures. Bud stated he had done work for the applicant. Liz said she drove by there this date. Chair then asked that the applicant come to the podium to state his case.

Robert Marks, 2700 Malabar Road. The purpose is to remove the ROW since he has purchased the property on the north and now owns the property on both the north and south side of the requested vacate of ROW. Ultimately he wants to put an additional building. Wayne said he bought property from the tire guy? Yes.

Wayne asked about the oak trees that were planted on the north side of project. He said there was a survey mistake and trees are in the right of way. This would take care of that problem too. He asked Franklin. Franklin stated that the applicant's site plan, building plans, fence permit and landscape plans were all approved by the Town and the applicant met all of the Towns requirements and a CO was issued.

PH opened:

Alisha Kline stated that she had earlier asked for a portion of this to be vacated. She and her husband support this request.

Liz asked about the trees currently outside the fence line. Engineer stated that there are 13 oak trees, fully irrigated and maintained. He does maintain the area. He keeps it nice and neat. There are conditions you can ask for. Wayne said Mary Street can provide that. Liz said if Malabar Road is worked on there would be no way to get around. (Clerks Note: you could drive south on W. Railroad Ad to Pine St.)

Mayor Grews has been opposed to the vacate idea in general. This seems to be a win-win for everyone. His previous home was on Johnston and they had a prostitution issue in that area. It would also take care of the litter problem. And his addition to his project will increase out tax revenue.

Carl Cobb, Moorfield Way in Palm Bay. He doesn't have a problem with what the applicant wants to do tonight. He is not in support of swapping the ROW to the north side. He owns most of the parcels on Mary St and would also like to have Mary St vacated sometime in the future. He has no objections to this request.

PH closed.

Engineer said he does not oppose the request. Franklin said that the majority of the surrounding land has recently been purchased by the person in the front row and intends to maintain and expand the Lou Poulos Tree Farm that he recently purchased. The previous owner regularly used W. Railroad Avenue for transporting their tree cargo.

George said the current owners, the Mayor, the Engineer and Town staff all support this request. As Carmichael was the only one objecting before and he has sold it, there is no further objection.

Liz said she would support it if they moved the ROW to the north side of the parcel. Bud said they are losing site of the fact that they are giving away ROW.

MOTION: Ryan / Ritter to table. Vote: 3 Nays; to 2 Ayes (Ryan, Ritter) Motion failed.

Discussion continued. George said they as a Board have to weigh each request and make their recommendation based the material provided. Chair asked about the buildings are currently being accessed. Applicant said from W Railroad Ave. How did he plan to access the new property? From W. Railroad. Yes.

MOTION: Abare / Foster to recommend Council approve the request to vacate the unimproved 30 feet wide right-of-way known as Johnston Ave from West Railroad Avenue west 543.36 feet, adjacent to the furthest point of property.

ROLL CALL: Foster, Aye; Abare, Aye; Reilly, Nay; Ryan, Nay; Ritter, Nay. Motion failed 3 to 2.

F. ACTION:

G. DISCUSSION:

3. Continued Discussion on the Five- year Capital Improvement Plan- 2016

Exhibit: Agenda Report No. 3

Recommendation: Discussion

MOTION: Ryan / Ritter to table to next meeting. Vote: All Ayes.

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 8:26P.M.

BY:

Patrick Reilly, Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

Debby K. Franklin, Recording Secretary

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: July 27, 2016

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Amend Article III, Table 1-3.2 eliminating the “Conditional Use” for places of worship within residential areas. (Ord 2016-03)

BACKGROUND/HISTORY:

This was discussed at the December 2015 meeting by P&Z and they recommended Council amend the code. Council met on January 4, 2016 and approved a motion to eliminate the conditional use for places of worship in residentially zoned areas.

The Council agreed with P&Z recommendation but also wanted to include R/LC zoning as a conditional use. Council directed that the Attorney amend the ordinance.

Staff has been dealing with an issue on Babcock where a property owner would like to use his CG zoned land to build a facility like a Moose Lodge. The problem is the non-conforming residential structure next door also in CG zoning that has converted to a church.

Our Adult Entertainment Code states that you cannot serve or sell alcoholic drinks within 1000 feet. The Conditional Use criteria state that a place of worship should have a minimum of five (5) acres.

Permitting churches in OI or CL would not have an adverse affect on neighboring businesses as they would be M-F 8-5 type businesses that are closed on the week-end. Permitting churches in CG would adversely neighboring businesses that stay open in the evening and on week-ends. The Attorney supported this additional change.

FINANCIAL IMPACT:

ATTACHMENTS:

Ordinance 2016-03 DRAFT with amended Table 1-3.2
Section 10.30 of Chapter 10
Memo to Council dated 12/11/15
Email response from Attorney Bohne
Article VI, Conditional Use Requirements and footnotes

ACTION OPTIONS: Recomentation to Council.

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING ARTICLE III TABLE 1-3.2 ELIMINATING THE CONDITIONAL USE "C" FOR HOUSES OF WORSHIP WITHIN RESIDENTIAL ZONING DESIGNATIONS.; PROVIDING FOR CODIFICATION, SEVERABILITY AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Table 1-3.2 in Article III, District Provisions, attached as Exhibit "A" be amended to eliminate the "C" in the table in the residentially zoned areas for places of worship.

Section 2. It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

Section 3. Should any Section, Clause, or Provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this Ordinance.

Section 4. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

Section 5. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball
Council Member Brian Vail
Council Member Don Krieger
Council Member Dick Korn
Council Member Richard Kohler

This ordinance was then declared to be duly passed and adopted this ____ day of _____, 2016.

TOWN OF MALABAR

Mayor Phillip R. Crews, Council Chair

First Reading 7/18/16
Second Reading _____

Exhibit "A"

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
RESIDENTIAL USES														
Duplex					P	P					P			
Mobile Homes							P							
Multiple Family Dwelling					P	P								
Single Family Dwellings	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	X	X	X	X	X	X		P, A ¹	P	P	P		P	
Clubs and Lodges (Not-for-Profit)									P	P				
Cultural or Civic Activities								P	P	P				P
Educational Institutions								C, A ¹						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 ³				C	C								C
Level 2 (7 to 14 residents/beds)					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)														
III Adult Day Care Centers	C ³	C	C	C	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
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			
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	∅	∅	∅	∅	C	C		P, A ¹	P	C/P	C/P		P	
Clubs and Lodges (Not-for-Profit)									P	P				
Cultural or Civic Activities								P	P	P	P		P	
Educational Institutions								C, A ¹					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	
Public Parks and Recreation	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	
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					C	
III Adult Day Care Centers					C	C		C			C		C	
AGRICULTURAL ACTIVITIES														



§ 10-30

MALABAR CODE

Sec. 10-30. Prohibited locations.

No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of an adult bookstore, adult motion picture theater, adult massage establishment or an adult dancing establishment within one thousand (1,000) feet of another such establishment; within one thousand (1,000) feet of any preexisting religious institution or school; within one thousand (1,000) feet of an area zoned for residential use within the town; or within one thousand (1,000) feet of an establishment that in any manner sells or dispenses alcohol. The above distance requirements shall be considered locational only.

(Ord. No. 3-12-85, § 35, 4-2-85; Ord. No. 08-01, § 1, 3-3-08)

Cross reference—Conditional use, § 1-6.1, Land Development Code, Vol. II.

Sec. 10-31. Measurement of distance.

Distance from a proposed adult entertainment establishment to an existing adult entertainment establishment, a church, an establishment that sells or dispenses alcohol or a school shall be measured by following the shortest route of ordinary pedestrian travel along a public right-of-way from the main entrance of the proposed adult entertainment establishment to the main entrance of the existing adult entertainment establishment, the main door of the church or the place to the nearest point on the school grounds in use as a part of the school facilities. The distance from a proposed adult entertainment establishment to an area zoned for residential use shall be measured by following the shortest route of ordinary pedestrian travel along a public right-of-way from the main entrance of the proposed adult entertainment establishment to the nearest property line of any property zoned for residential use.

(Ord. No. 3-12-85, § 36, 4-2-85; Ord. No. 08-01, § 1, 3-3-08)

Sec. 10-32. Permitting, selling or dispensing alcoholic beverages on premises where display of specified anatomical areas allowed.

It shall be unlawful for any person maintaining, owning, managing or operating a commercial establishment, regardless of whether it has been issued a business tax receipt under this article, to permit, sell or dispense alcoholic beverages on the premises of the commercial establishment where such person knowingly, or with reason to know, permits or suffers any person on the premises to exhibit or display specified anatomical areas or employ any devices or coverings which are intended to give the appearance of specified anatomical areas. For purposes of this article, any persons present on the premises that are responsible for managing or supervising the day-to-day operations of the establishment shall be deemed to act as a receipt holder and their actions or knowledge shall be imputed to the receipt holder.

(Ord. No. 3-12-85, § 37, 4-2-85; Ord. No. 08-01, § 1, 3-3-08)

Sec. 10-33. Consumption, possession of alcoholic beverages by persons observing or participating in display of specified anatomical areas.

It shall be unlawful for any owner, employee or patron of a commercial establishment, regardless of whether it has been issued a business tax receipt under this article, to consume

Debby Franklin

From: kbohne@fla-lawyers.com
Sent: Tuesday, July 19, 2016 3:09 PM
To: Debby Franklin
Cc: Denine Sherear; Douglas C. Hoyt
Subject: RE: Malabar
Attachments: 2016 Alcohol near church.doc

Good idea on the church conditional use thing because of what we are dealing with now with the "Moose Lodge". The lien for taxes is done through the tax collector in the form of issuing tax certificate and ultimately tax deeds. It seems to me that this property will be eligible for the 2014 tax certificate and if the tax certificate is purchased for 2014 we will get that money, or at least our portion. 2015 may not yet be eligible for a tax certificate.

Karl W. Bohne, Jr.

From: Debby Franklin [mailto:townclerk@townofmalabar.org]
Sent: Tuesday, July 19, 2016 1:38 PM
To: kbohne@fla-lawyers.com
Cc: Denine Sherear <dsherear@townofmalabar.org>
Subject: Malabar

Karl can you put your comments about alcohol next to church in a legal opinion memo for me please. That way we will have it if this comes up again.

Ref: On the Table, I am going to suggest that they make churches a conditional use in CG as well. OI and LC uses are typically M-F 8 to 5 and are not impacted by churches. CG is impacted because other businesses allowed in CG can be around the clock 24/7 and could be negatively impacted by a church. What do you think?

The reason for this is twofold. We talked about the vacant land on Babcock that wants to build a club but is next door to a church.

Today I got a call from someone interested in buying the TV station on Babcock and using it as a church. I told her it would be a use change and require an inspection by both the BO and the FC. We checked their taxes and they are two years behind and owe us 2K for 2014 and 2015. Can we lien them for that?

Debby K. Franklin

Certified Municipal Clerk
Town Clerk Treasurer
townclerk@townofmalabar.org



Town of Malabar
2725 Malabar Road
Malabar, FL 32950
www.TownofMalabar.com

2725 Malabar Road
Malabar, FL 32950

TABLE 1-6.1(B). CONDITIONAL LAND USE REQUIREMENTS

Conditional Land Uses	Minimum Size Site	Minimum Width/Depth (feet)	Access Required to Street	Building Setback from Residential District/Nonresidential District (feet)	Parking Lot Setbacks from Adjacent Residential District/Nonresidential District (feet)	Perimeter Screening Residential District/Nonresidential District (6)	Curb Cut Controls	Other
Child Care Facilities	1 Acre	145	Paved	50/30	15/10	Type A/B	(7)	
Places of Worship	5 Acres	250	Paved	70/45	25/20	Type A/C	(7)	
Educational Institution	(1)	500	Arterial	70/45	25/20	Type A/C	(7)	
Enclosed Arcade Amusement Center/Electronic Gaming Establishment	1 Acre	120	Highway 1 and Babcock Street only	100/30	N/A	Type A/C	(7)	
Golf Courses	(2)	500	Paved	70/45	25/20	Type C/C	(7)	
Hospitals and other Licensed Facilities	5 Acres	325	Arterial	100/75	25/20	Type A/C	(7)	
Nursing Homes and Related Health Care Facilities	2 Acres	210	Paved	60/30	25/20	Type A/C	(7)	
Protective Services	(4)	120	Paved	50/30	25/20	Type A/C	(7)	
Public Parks and Recreation Areas	5 Acres	325	Paved	70/45	25/20	Type C/C	(7)	
Public and Private Utilities	N/A	120	N/A	70/30	25/20	Type A/C	(7)	
Commercial Stables	5 Acres	325	N/A	100/75	50/40	Type B/C	(7)	
Adult Entertainment	1 Acre (8, 9, 10)	120	US 1/Babcock	100/30	N/A	Type A/C	(7)	(6)
Bars and Lounges	1 Acre (8, 9)	120	US 1/Babcock	100/30	N/A	Type A/C	(7)	(6)
Marine Commercial Activities	1 Acre	120	US 1/Babcock/ West Railroad Avenue	100/30	N/A	N/A	(7)	
Service Stations, Including Gasoline Sales	1 Acre (8)	145	Arterial	100/30	N/A	N/A	(7)	
Trades and Skilled Services	1 Acre (8)	145	US 1/Babcock/ West Railroad Avenue	100/30	N/A	Type A/C	(7)	
Vehicular Services and Maintenance	1 Acre (8)	145	US 1/Babcock/ West Railroad Avenue	100/30	N/A	Type A/C	(7)	
Wholesale Trades and Services	1 Acre	145	US 1/Babcock/ West Railroad Avenue	50/30	15/10	Type A/C	(7)	

Supp. No. 21



322

Note: Arterial streets refer to transportation linkages on the Major Thoroughfare Plan within the Comprehensive Plan (i.e., Malabar Road, US 1, and Babcock Street).

- (1) Minimum spatial requirements for public and private, primary and secondary educational institutions shall comply with standards used by the Brevard County School Board and the State of Florida.
- (2) Minimum spatial requirements for golf courses shall comply with standards recommended by the U.S. Golf Association or the American Society of Golf Architects.
- (3) Minimum spatial requirements shall comply with the requirements established by the Town of Malabar District Provisions or the Florida Statutes, whichever requirement is greater.
- (4) Minimum spatial requirements for the American Insurance Association and the National Fire Prevention and Control Administration.
- (5) The Type A, B, and C screening requirements reflect the standards cited in Section 1-4.1(G)(2)(a)—(c).
- (6) No parking lot or structure within 200' of residential or institutional district.
- (7) No more than two curb cuts shall be permitted to any one street frontage. The ingress-egress width shall be restricted to a maximum width of thirty (30) feet at the point of curvature at the property line; shall be located no closer than thirty (30) feet to a right-of-way intersection; and shall be at least ten (10) feet removed from property lines. A minimum fifty (50) feet separation shall be maintained between curb cuts. The Town may require controlled access, including dedication of cross easements and joint use of drive. The Town Council may grant a waiver to these requirements after considering the recommendations of the Planning and Zoning Board and the Town staff.
- (8) Shall not be located adjacent to a residential district, including the RR district.
- (9) Shall not be located within 1000 feet of a religious institution, educational institution, or public park.
- (10) Reference Town of Malabar Ordinance Regulating Adult Entertainment.
(Ord. No. 94-4, § 9, 4-3-95; Ord. No. 12-48, §§ 3, 4, 1-23-12; Ord. No. 14-01, § 4, 2-3-14)
Cross reference—Adult entertainment establishments, regulations, § 10-26 et seq.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 3
Meeting Date: July 27, 2016

Prepared By: Denine Sherear, P&Z Board Secretary

SUBJECT: Five-year Capital Improvement Plan -2016

BACKGROUND/HISTORY:

The Board will continue discussion on the Five-year Capital Improvement plan and work on list of suggestions to recommend to Council.

This Board requested a list of Fire Hydrants that are throughout the Town for review. (see attached)

PLEASE BRING 3 RING BINDER GIVEN AT LAST P & Z MEETING ON 5/11/2016 & HANDOUT GIVEN ON 7/13/2016 (FIRE HYDRANTS)

ATTACHMENTS:

- none

ACTION OPTIONS:

Discussion