

Malabar, FL

# Planning and Zoning Board Meeting

Wednesday, June 26, 2019 at 7:00 pm

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

APPROVAL OF MINUTES

**a. Approval of Minutes**

Planning and Zoning Board meeting 06/10/2019

Exhibit: Agenda Report Number 1

Recommendation: Request Approval

**Attachments:**

- Agenda Report Number 1 (PZ\_Agenda\_Item\_\_1\_\_0626\_2019.pdf)

5. PUBLIC COMMENTS
6. ACTION ITEMS
7. PUBLIC HEARING
8. DISCUSSION/POSSIBLE ACTION ITEMS

**a. Discuss Applicants Submitted for Alternate Positions for Planning and Zoning Board Member: Susan Shortman (submitted on June 17th, 2019) and Jeff Rinehart (submitted on June 21st, 2019)**

Exhibit: Agenda Report Number 2

Recommendation: Recommendation to Council

**Attachments:**

- Agenda report Number 2 (PZ\_Agenda\_\_2\_\_0626\_2019.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 - July 10, 2019

Review Calendar for Holiday Schedule

**Attachments:**

- Agenda report Number 3 (Blank-printable-calendar-2019-pdf-1\_\_1\_.png)

**12. ADJOURNMENT**

---

Contact: Denine Sherear (dsherear@townofmalabar.org 1321727764)

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

**AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: JUNE 26, 2019**

**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 06/10/2019

**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 10, 2019 7:00 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 7:00 P.M. Prayer and Pledge led by PZ Chair Wayne Abare.

**B. ROLL CALL:**

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	DOUG DIAL
	GEORGE FOSTER
	MARY HOFMEISTER
ALTERNATE:	ALLEN RICE, excused
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR
RECORDING SECRETARY:	DEBBY FRANKLIN, CLERK/TREASURER
TOD MOWERY, TOWN PLANNER	
ALSO PRESENT:	

CM GRANT BALL, FIRE CHIEF MIKE FOLEY

**C. ADDITIONS/DELETIONS/CHANGES TO AGENDA: None**

**D. CONSENT AGENDA**

1. Approval of Minutes: P&Z Mtg Minutes of 5/22/19

MOTION: Member Ritter / Member Dial to approve the minutes as corrected. Discussion.  
Doug pg. 4, correct sentence the purpose of the land use – too many “could” VOTE: All Ayes.

Board Chair Wayne Abare opened with comments about the proceedings. This P&Z Board is an advisory board. Their decision will be a recommendation to Council for action. Motions are put in positive format as it eliminates the double negative. If there is no motion in the positive, Chair will allow a motion to deny.

Fill out a speaker card if you wish to speak on vacate request. Regarding the land use and rezoning, it is a Public Hearing (PH) and no speaker card are necessary. Just raise your hand and be recognized.

The Vacate request will be discussed first. Council will need a recommendation from the Board for their meeting next Monday. Council will hold a PH on this request at that time. Chair then called on Town Planner Tod Mowery to offer guidance on the vacate request.

Town Planner Tod Mowery explained when you vacate a ROW it is necessary to have the land use designated and the zoning classified. Once vacated it is split and goes half and half to adjacent property owners. In this case the applicant owns all the adjacent property. Staff Engineer Morris Smith has provided a recommendation for approval and an explanation on why it was created. For the Town’s purposes, it does not serve a public purpose. Chair had Denine pull up page 32 on the overhead showing the stub under consideration. Staff recommends approval of the vacate

**ACTION: 1**

2. Request to vacate platted, unimproved ROW adjacent to East Railroad Avenue (Reso 09-2019). Applicant Kellwill, LLC

Chair asked Secretary to read request by title only. Asked for speaker cards - none.

Chair asked for motion.

MOTION: Member Ritter / Member Hofmeister to recommend Council vacate the requested 20' x 60' between lots 13, 15 and 18 as stated in Reso 09-2019.

Discussion: Member George Foster said it is a perfect fit for this applicant. Member Liz Ritter sees no conflict. Fire Chief supports this request. Staff recommends approval.

**ROLLCALL VOTE:** Member Foster, Aye; Member Ritter, Aye; Member Hofmeister, Aye; Member Dial, Aye; Member Abare, Aye. Motion carried 5 to 0.

**E. PUBLIC HEARING: 1**

3. Request for LU and Z change from R/LC to CG. Applicant Kellwill, LLC  
Chair asked Secretary to read request by title only.

The Town Planner will speak first as staff representative. The Applicant will speak next and present their request. Then the Town Planner will address the Board and provide direction. Then Chair will open the Public Hearing. The five-minute limit will be enforced. After the public has spoken, the Public Hearing portion will be closed, and the discussion will remain at the Board until a motion is made.

Town Planner Tod Mowery said the P&Z Board must use the criteria in the Land Use regulations as the basis for their motion. He went over the 3 "C" s consistency, compatibility and capability. The question for the Board to consider is on the requested change and the uses that could be allowed if it is changed – it should not be on what the applicant said they intend to do because that may change. Focus on "use" not the users. CG provides a series of uses that would be permitted. At a subsequent meeting they will present a site plan for later consideration.

The applicant's subject parcels currently have a land use designation of R/LC. The change would be to go to the CG.

Member Liz Ritter and asked about storage – is this allowed in CG? Tod explained the accessory use to the business. Also, although we do know what they are intending to do this is not a site plan. Tod said we would probably request that the applicant do a unity of title for these three parcels.

**MOTION:** George Foster / Doug Dial to recommend Council approve the application for land use and zoning map changes as stated in Ord 2019-07 to include the vacated ROW described in Reso 09-2019.

Discussion: Member Doug Dial said what about traffic impact. That was an issue they considered in the recent Peay's request. He asked if this should be a consideration in this request. Chair Wayne Abare said it makes it more amenable for traffic for the Route 1 Motorsports facility which had only one access - this will provide a secondary access. Member George Foster said the new ROW would also provide future potential use.

Chair called applicant to podium.

William Carmine, Kellwill LLC, gave his presentation of the request. He is the owner. When they started the development, they were looking for a secondary ingress and egress. Once they got operating they were able to purchase the property. A lot of customers have trailers and currently they have to go north on Hwy 1 and do a U-turn near Yellow Dog. Also, when customer goes to leave they have to do a U-turn to go back to the north and can't do that until they get to Rocky Point Road. When customers come up US 1 they can turn onto Malabar Road and turn into the facility and then go out Hwy 1. They have exceeded their estimates for success to date. On the north side of Malabar Road there are three cottages immediately east and then the old vacant Huggins homestead. On the south side you have Malabar Mo's, Malabar Moments Massage and the Sunshine Market.

Member George Foster said Mr. Carmine covered what he was going to ask. It seems to him that this will help with traffic. Not only enter from Hwy 1 but also have access from Malabar Road will be a lot safe than what is happening now. He has always thought that the NE corner of Malabar and Hwy 1 is a key parcel. He is happy with what the applicant has done and just as far as the corner - this corner is a major asset. What he is planning is also going to be an asset. Hopes he inspires more businesses to come to this area. Mr. Carmine did get with the owner of that parcel and got permission to clear and undercut for visibility improvements.

Mr. Carmine said he is willing to clear the Town's East Railroad Ave ROW from Malabar Road to the north of these three parcels, so people can pull off and use it to access the cemetery. This ROW lies east of the FEC ROW.

Member Doug Dial asked applicant to explain what the Malabar Road frontage would look like. The front would be a rental place and storage in the back. Planner Tod cautioned them about discussing the site plan.

Roll Call Vote: Member Foster, Aye; Member Dial, Aye; Member Hofmeister, Aye; Member Ritter, Aye; Member Abare, Aye. Motion carried 5 to 0.

Next regular P&Z Board meeting will be June 26, 2019.

New Business: Member George Foster requested inviting Town Planner Tod Mowery to attend a future P&Z Board meeting and give some insight on how to do the planning period for the future.

**J. ADJOURN**

Chair asked for a motion.

MOTION: Member Hofmeister / Member Dial to adjourn. Vote. All Ayes. The meeting adjourned 7:40PM.

BY:

\_\_\_\_\_  
Wayne Abare, Board Chair

**ATTEST:**

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

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

\_\_\_\_\_  
Debby Franklin, Town Clerk/Treasurer  
Recording Secretary

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2  
Meeting Date: June 26, 2019**

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

---

**SUBJECT: Discuss Applications Submitted for Alternate Positions for Planning & Zoning Board Member: Susan Shortman & Jeff Rinehart**

---

**BACKGROUND/HISTORY:**

There has been two (2) Applications submitted for the Alternate position on the Planning & Zoning Board, please review and make recommendation to Council.

Applicants have been asked to attend.

**ATTACHMENTS:**

- Applicant - Susan Shortman 2240 Ivey Lane, Malabar
- Applicant – Jeff Rinehart 2395 Corey Road, Malabar
- Code Book Division 1- General/ Division 5 Planning & Zoning Board

**ACTION OPTIONS: Recommendation to Council**

**PZ MEETING**  
**JUNE 26, 2019**

**Agenda Item 2**  
**Discussion**

**Applicant**  
**Jeff Rinehart**



JUN 21 2019

RECEIVED

Town of Malabar Volunteer Committee/Board Application

Planning & Zoning Advisory Board Application

The Planning and Zoning Board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Planning and Zoning Board is advisory in nature. Members of the Board shall hold no other Town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five votes) shall be necessary for the adoption of any motion. The Planning and Zoning Board deals with land use issues such as site plans, conditional uses, special exceptions, residential subdivision developments, plats, re-plats and zoning change requests. They also review and compile updates for the Comprehensive Plan and present to Council. They shall also draft land development code to conform to changes adopted by Council to the Comprehensive Plan. They shall annually prepare a Capital Improvement Projects list to submit to Council. Some of the issues that the Board considers will be quasi-judicial and staff will alert them to those situations.

Name: Jeff Rinehart Phone: 407-738-9155

Home Address: 2395 Corey Road

Email Address: Jdrinehart2000@yahoo.com

Are you a resident of the Town: Yes  No

How long have you been a resident of the Town of Malabar: 2 years

Are you currently involved with any other organization of the Town: Yes  No

If yes, which organization: \_\_\_\_\_

TOWN OF MALABAR

JUN 21 2019

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

RECEIVED

NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by F.S. Chap. 112.

NAME: ~~Robert~~ Jeff Rinehart TELEPHONE: 407-738-9155  
ADDRESS: 2395 Corey Road  
EMAIL: jrinehart8000@yahoo.com

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER:  YES  NO

OCCUPATION: (If retired, please indicate former occupation or profession.)  
Self employed

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:  
None

ADDITIONAL INFORMATION/REFERENCES:

Please select the Board that you would like to serve on by indicating first choice & second choice:

- Board of Adjustment
- Planning & Zoning
- Parks & Recreation
- Trails & Greenways

Per Town Code, Council shall require removal of members after 3 successive absences.

  
Signature of Applicant

6/20/19  
Date

Please return this form to: Town Clerk  
Town of Malabar  
2725 Malabar Road  
Malabar, FL 32950-4427  
Email: townclerk@townofmalabar.org

Note: If you need more information concerning the duties of these Boards, please contact the Town Clerk. Please attach a copy of your resume to this application. You will be notified of the date of the Town Council Meeting that your application will be considered for appointment. You will need to plan to attend the Council Meeting.

JUN 21 2019

Town of Malabar

Volunteer Committee/Board RECEIVED

Applicant Certification

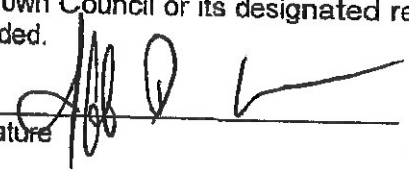
By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
  - o Malabar Code of Conduct
  - o Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
  - o Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.

Signature



9/20/19

Date



TOWN OF MALABAR

JUN 21 2019

RECEIVED

**Town of Malabar**

**Board Member Code of Conduct**

*(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:*

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar, and Town utility customers. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

JUN 21 2019

RECEIVED

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.

Signature [Handwritten Signature]

Date 6/20/19

Print Name Jeff Rinchart

Witness Hockenji Rinchart

Town  
JUN 21 2019

RECEIVED

**PZ MEETING**  
**JUNE 26, 2019**

**Agenda Item 2**  
**Discussion**

**Applicant**  
**Susan Shortman**

Town of Malabar Volunteer Committee/Board Application

Planning & Zoning Advisory Board Application

The Planning and Zoning Board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Planning and Zoning Board is advisory in nature. Members of the Board shall hold no other Town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five votes) shall be necessary for the adoption of any motion. The Planning and Zoning Board deals with land use issues such as site plans, conditional uses, special exceptions, residential subdivision developments, plats, re-plats and zoning change requests. They also review and compile updates for the Comprehensive Plan and present to Council. They shall also draft land development code to conform to changes adopted by Council to the Comprehensive Plan. They shall annually prepare a Capital Improvement Projects list to submit to Council. Some of the issues that the Board considers will be quasi-judicial and staff will alert them to those situations.

COPY

Name: Susan Shortman Phone: 706-768-5419

Home Address: 2240 Ivey Lane Malabar FL 32950

Email Address: woodn fiber@gmail.com

Are you a resident of the Town: Yes  No

How long have you been a resident of the Town of Malabar: 1 yr (7/2)

Are you currently involved with any other organization of the Town: Yes  No

If yes, which organization: \_\_\_\_\_

TOWN OF MALABAR

JUN 17 2019 11:14

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by F.S. Chap. 112.

NAME: Susan Shortman TELEPHONE: 706-768-5419
ADDRESS: 2240 Ivey Lane Malabar FL 32950
EMAIL: woodn fiber@gmail.com

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: [x] YES [ ] NO

OCCUPATION: (If retired, please indicate former occupation or profession.)

retired- entomologist, End of Life Doula

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

End of Life Specialist
Fiber groups, Woodburning groups

ADDITIONAL INFORMATION/REFERENCES:

Please select the Board that you would like to serve on by indicating first choice & second choice:

[2] Board of Adjustment [1] Planning & Zoning
[ ] Parks & Recreation [ ] Trails & Greenways

Per Town Code, Council shall require removal of members after 3 successive absences.

Susan L Shortman
Signature of Applicant

6-17-19
Date

Please return this form to: Town Clerk
Town of Malabar
2725 Malabar Road
Malabar, FL 32950-4427
Email: townclerk@townofmalabar.org

Note: If you need more information concerning the duties of these Boards, please contact the Town Clerk. Please attach a copy of your resume to this application. You will be notified of the date of the Town Council Meeting that your application will be considered for appointment. You will need to plan to attend the Council Meeting.



Town of Malabar

Volunteer Committee/Board Application

Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
  - Malabar Code of Conduct
  - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
  - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.

Susan L. Shortman  
Signature

6-17-19  
Date



**Town of Malabar**

**Board Member Code of Conduct**

*(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:*

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar, and Town utility customers. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.

Susan L. Shortman  
Signature

Susan L. Shortman  
Print Name

6-17-19  
Date

Debby K. Frank  
Witness

**PZ MEETING**  
**JUNE 26, 2019**

**Agenda Item 2**  
**Discussion**

- \* Division 1. Generally**
- \* Division 5. Planning & Zoning Board**

DIVISION 1. - GENERALLY

Sec. 2-211. - General procedures for all boards and committees.

Citizen participation is vital to a democratic government. The Town of Malabar recognizes the unique contributions made by volunteers and encourages involvement in the policy-making process through service as an advisory board member. Boards and committees are standing bodies established by town ordinance and appointed by the town council to provide ongoing board/committee recommendations to town council on diverse matters of public concern. Included are zoning, municipal planning, parks and recreation, trails and greenways, public art, historic preservation and building codes. Boards handle a variety of issues within a subject range; committees are delegated to consider, report and take action on specific issues, such as trails and greenways. Ad hoc committees are short term with a limited period and have a particular purpose, such as the taxpayer budget review committee or the SpringFest committee. Ad hoc committees are appointed on an as-needed basis and the committee sunsets once the purpose is served. They do not take a special action by council to terminate.

- 
- (a) All appointments, whether regular member appointments, alternate member appointments or appointments to fill any vacancies to any town boards or committees is within the sole and absolute discretion of the town council. Applications for appointment are available in the office of the town clerk and also on the town's website. Completed applications shall be filed with the town clerk. The application shall be given to the respective board or committee for their review and recommendation to the town council. Such board or committee shall rank the applicants in order of preference, including the ranking of any alternates. The town council shall review the recommendation of the respective board or committee and make appointments as the town council desires. Nothing herein is intended to require the town council to accept any recommendation on such appointments from the respective board or committee. All boards and committees shall have five (5) regular members presiding and two (2) alternate members. Both alternates may participate in all discussion but only five (5) members vote. The alternate members shall alternate voting in the absence of a regular board member.
  - (b) *Requirements for board/committee membership.* Board members should have the expertise necessary to accomplish the board's objectives; a reputation for integrity and community service; interest or experience in the area of board service desired. All boards shall be comprised of Town of Malabar residents who have lived within the town for a minimum of one (1) year immediately preceding their appointment. All members shall also be registered electors of the town. Most boards require financial disclosure; and if appointed to one (1) of these boards, Section 112.3145, Florida Statutes, requires that you file a Form 1, Limited Financial Disclosure, with the Brevard County Supervisor of Elections within thirty (30) days of your appointment. All appointed members shall also be administered the oath of office by the mayor or presiding officer in the absence of the mayor at the council meeting of their appointment. All board/committee members shall serve without compensation. Any member may be removed from office for cause by the town council upon written charge and public hearing.
  - (c) The term of service for all board/committee regular and alternate members begins November 1 and ends October 31. The initial term of appointment will be based on the term remaining for that seat. Upon successful reappointment the renewing term for all boards/committees will be three (3) years. If the appointment is to fill a standing vacancy, the term for all boards/committees will be three (3) years. The terms are staggered for continuity as established by resolution.
  - (d) *Attendance.* Most boards/committees meet monthly with meeting times varying in length according to agenda items to be addressed. A quorum is three (3) members on all boards except the board of adjustment. Regular attendance is required by regular members and alternates. If a board/committee member's (regular or alternate) absences exceed twenty-five percent (25%) of the scheduled meetings in a fiscal year (Oct. 1—Sept. 30) the board secretary shall send memo to clerk. Clerk will place item on next council agenda for action on termination or special exception. A board member is considered absent if not present for at least seventy-five percent (75%) of a scheduled meeting.
  - (e) *Vacancies.* The board/committee shall find that a vacancy exists upon:
    - (1) Receipt of a resignation in writing from one (1) of its members or
    - (2) Death, removal or disqualification or
    - (3) Absence in excess of twenty-five percent (25%) of scheduled meetings within a fiscal year (Oct. 1—Sept. 30).

Only council can declare the seat vacated.

- (f) Each board/committee shall elect its chair and vice-chair from among its members annually at the first meeting in November. The term will begin on the date of appointment and run for one (1) year. The chair shall set the agenda and facilitate the meeting. The vice-chair shall act in the absence of the chair.
- (g) *Reappointments.* Board/committee members whose terms are expiring may submit an application for reappointment no later than September 1. The clerk will place the board appointments on the second meeting agenda in October for council action. Once the appointments are made, the members will take their seat at the first meeting in November. Appointees may be administered the oath of office either at the council meeting when they are appointed or at a subsequent council meeting.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-212. - Open meetings, public comment and agendas.

All meetings of any advisory board or committee created by the town council to assist in the council's decision-making process, including committee and subcommittee meetings of such boards or committees are declared to be public meetings and open to the public at all times. Open meetings of advisory boards and committees shall be governed by the following standards:

- (1) The minutes of such meetings shall be recorded by a recording secretary who is a member of staff and shall be promptly made available for public inspection.
- (2) Reasonable notice must be given to the public of the time and place of such meetings. Responsibility for providing such notice is delegated to the staff person assigned to assist the advisory board or committee and act as their secretary.
- (3) Each advisory body shall allow for public comment at the beginning and end of all meetings.
- (4) The advisory board/committee chair along with the assigned staff member shall prepare the meeting agenda and any back-up material which shall be made available for inspection during regular business hours prior to each meeting.
- (5) All boards/committees shall use Robert's Rules as a guide in meeting protocol.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-213. - Ad hoc committees.

From time to time the town council may establish ad hoc committees which are designed to assist the town council in its decision making process on limited topics and issues. Such committees are designed for a limited purpose and duration and can be dissolved or inactivated by the town council at any time. Such committees shall be governed by the provision of this division. Such committees are not quasi-judicial authorities. There are no durational residency requirements for appointments to any ad hoc committee; however, members shall be residents of the town. The town council shall have the sole discretion to determine the number of members and make up of such committees.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-214. - Spending authority for boards and committees.

At no time shall any boards or committees, except for the town council, have any authority to independently authorize the expenditure of public funds. The Town council may, from time to time, budget public funds for such boards or committees; however, such board or committee may only advise or recommend to the town council projects or purposes for the expenditure of such funds. The authority to expend any such funds and the purpose of the expenditure rests solely with the town council. The town council may authorize town staff to expend such funds for any project or purpose recommended by such board or committee. Any such expenditure shall be logged on an expense report. At no time shall expenditures exceed the amount authorized by the town council unless such excess expenditure has been authorized by the town council.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-215. - Staff support for boards and committees.

The Town shall provide to every board/committee necessary technical and administrative assistance as follows:

- (1) Preparation and posting of public notices as required by Florida Statute, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the town council;
- (2) Provision of a meeting room including any necessary audio/visual equipment;
- (3) Preparation and copies of any documentary meeting materials requested by the board to assist in their evaluation and review of subject project;
- (4) Staff research and background on land use issues in front of planning and zoning board are invaluable to board members not familiar with the pertinent laws, ordinances, regulations, policies and practices. Effective staff/board relations are vital to the overall success of planning decisions.
- (5) Attendance of all meetings by staff and consultants as appropriate in order to report on the status of projects and compliance with state and local regulations;
- (6) Retention of all board records, and providing public access to same.

(Ord. No. 14-08, § 1, 6-16-14)

Sec. 2-216. - Town board and committee code of conduct.

In addition to adhering to the requirements of state law, all current and future councilmembers shall commit to the following code of conduct by written affirmation, which shall remain on file with the town clerk, as follows:

- (1) *Definitions* . For purposes of this section the following definitions shall apply:

*Board or committee* shall mean any public body established by the town council, including but not limited to planning and zoning board, board of adjustments, parks and recreation board, and trails and greenways committee.

*Town or town* shall mean the Town of Malabar.

*Town administrator* shall mean the town administrator, or designee, of the Town of Malabar. See section 2-300(c) of the Code of Ordinances of the town

*Town council* shall mean collectively the five elected councilmembers and the office of the mayor, see Town Charter 2.02.

- (2) *Code of conduct* .

- a. I affirm that the proper statutory and Town Charter role of members of appointed town boards or committees, as with any member of an appointed government body, is to act collectively, not individually, to apply the town's governing policies, and that the town administrator and staff administer such policies.
- b. I understand that an appointed board or committee member does not manage the affairs of the town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the town administrator; or undermine the town administrator's lawful authority. Further, I understand that the town administrator is responsible for administering the policy direction established by a majority vote of the town council and not the individual wishes of board or committee members. See article IX, chapter 2 of the Code of Ordinances of the town.
- c. I will represent the interests of the entire town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed board or committee member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.
- d. I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed board or committee member. I will refrain from intimidation and ridicule of fellow board or

committee members, town council members, town administrator, town attorney, staff, citizens of the town, members of the public, vendors of the town and those conducting business with the town.

- e. In my capacity as an appointed board or committee member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective town board or committee.
- f. I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.
- g. I will demonstrate patience and refrain from demanding, interruptive access to staff or immediate responses or services when requesting information that requires significant staff time in research, preparation or analysis or that will result in staff neglect of urgent duties. Such requests will be made through the town administrator for scheduling and prioritizing through consensus of my respective town board or committee.
- h. I will devote adequate time for preparation prior to my respective town board or committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.
- i. I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow board or committee members, town council members, town administrator, town attorney, staff, citizens of the town, members of the public, vendors of the town and those conducting business with the town.
- j. I will listen actively and objectively to others' concerns or constructive criticisms.
- k. I will refrain from any individual action that could compromise lawfully authorized decisions of the town or the integrity of the town and my fellow board or committee members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a town board or committee member.
- l. I will maintain in confidence any privileged or confidential information, as provided by law, provided to me by the town and will not disclose such information publicly or to any person who has not been duly authorized by the town to receive such information, unless such disclosure is duly authorized by the town council or required by law.  
  
In addition, I will refrain from copying any written privileged or confidential documents provided to me by the town and will keep such documents in safekeeping. Further, upon leaving office or upon request by the town council, I will return to the town any privileged or confidential documents or materials or town property provided to me by the town while serving on the town council.
- m. I will abide by all laws of the state applicable to my conduct as a member of the town council, including, but not limited to, the government in the Sunshine Law, the Florida Public Records Law, the Florida Code of Ethics for Public Officers, and town rules of procedure and codes of conduct.
- n. I will promote constructive relations in a positive climate with all members of the town council, town employees, town attorney, and town contractors and consultants consistent with my role as a board or committee member, as a means to enhance the productivity and morale of the town. I will support the town administrator's decision to employ the most qualified persons for staff positions. I will recognize the bona fide achievements of the town council, town administrator, staff, town attorney, town contractors and consultants, business partners, and others sharing in, and striving to achieve, the town's mission.
- o. I will enhance my knowledge and ability to contribute value to the town as a board or committee member by keeping abreast of issues and trends that could affect the town through reading, continuing education and training. I will study policies and issues affecting the town, and will attend training programs if required by the town. My continuing goal will be to improve my performance as a board or committee member.
- p. I will value and assist my fellow board or committee members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the town's mission.



and the policies established by the town council.

- q. I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all town decisions that my respective board makes and will accept the will of the majority.
- r. I will always hold the best interests of the citizens of the town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates town citizens to be stakeholders in the affairs and achievements of the town.
- s. I will be accountable to the town council for violations of this code of conduct.

(Ord. No. 2017-07, § 1, 8-21-17)

Secs. 2-217—2-220. - Reserved.

## DIVISION 5. - PLANNING AND ZONING BOARD

## Sec. 2-250. - Establishment and purpose of the planning and zoning board.

- (a) *Establishment and purpose.* The planning and zoning board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The planning and zoning board is advisory in nature. Members of the board shall hold no other town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five (5) votes) shall be necessary for the adoption of any motion. The planning and zoning board deals with land use issues such as site plans, conditional uses, special exceptions, residential subdivision developments, plats, replats and zoning change requests. They also review and compile updates for the comprehensive plan and present to council. They shall also draft land development code to conform to changes adopted by council to the comprehensive plan. They shall annually prepare a capital improvement projects list to submit to council. Some of the issues that the board considers will be quasi-judicial and staff will alert them to those situations.
- (1) *Alternate member duties.* The alternate member of said planning and zoning board may attend all meetings of the planning and zoning board but shall act only in the absence, disability, abstention from voting or disqualification of a regular member thereof. The alternate members shall alternate to act in the place and stead of a regular voting member. When an alternate member acts, the minutes of the planning and zoning board shall reflect the name of the absent, disabled or disqualified member in whose place and stead the alternate is acting. Alternate members may always participate in board deliberations and debate, but they may make motions and vote only in the absence or voting disqualification of a regular member or the vacancy in a regular member's seat.
- (2) *Local planning agency.* The Malabar Planning and Zoning Board is hereby designated the local planning agency in accordance with F.S. 163, the Local Government Comprehensive Planning Act and as such shall conduct the comprehensive planning program and prepare the elements or portions of the comprehensive plan for presentation and approval by the town council.
- (3) *Authority and functions of planning and zoning board.* The authority of the planning and zoning board is intended to be advisory only. Nothing herein shall be construed to grant to the planning and zoning board final decision making authority. The planning and zoning board shall review proposed site plans, developments, subdivisions, zoning or land use changes for consistency with the Town Code and comprehensive plan and forward their recommendations to council in writing. If any such application is recommended for denial, the written recommendation shall state specifically what provision of the Code or comprehensive plan was not met. The planning and zoning board shall review and recommend updates to the capital improvement plan annually. They shall also undertake any other duties assigned to them by council.
- (4) *Land development regulations.* The planning and zoning board shall be familiar with the Malabar Land Development Regulations contained in the Land Development Code portion of

the Malabar Code. These regulations are found in the chapters identified as Article I (Preamble) Article XX (Definitions) as updated from time to time. F.S. 163 mandates that local governments adopt and enforce land development regulations. Those regulations shall be consistent with their adopted comprehensive plan. That statute also requires that the provisions set forth in the comprehensive plan be implemented through adoption of ordinances.

- (5) *Administrative staff.* The planning and zoning board shall consult with town staff as well as other outside professionals in preparing recommendations for amendments to the comprehensive plan. They should also use staff to assist in preparing proposed ordinances and regulations designed to promote orderly development.
  - (6) See division 1, section 2-211 above for other regulations.
- (b) *Designation as local planning agency.* Pursuant to and in accordance with F.S. § 163.3174, the Local Government Comprehensive Planning Act, the town planning and zoning board is hereby designated and established as the local planning agency for the city. The local planning agency, in accordance with the Local Government Comprehensive Planning Act of 1975, F.S. § 163.3161—3211 shall:
- (1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
  - (2) Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
  - (3) Recommend the comprehensive plan or elements or portions thereof to the town council for adoption.
  - (4) Monitor and oversee the effectiveness and status of the comprehensive plan as may be required from time to time.
- (c) *Authority, powers and proceedings.*
- (1) *Authority.* The town planning and zoning board shall abide by all the applicable provisions of the Town Charter, as amended, and chapter 163.3174, et seq., F.S. The authority of the planning and zoning board of the Town of Malabar is intended to be advisory only. Nothing contained herein shall be construed to grant to the planning and zoning board final decision making authority.
  - (2) *Functions and powers.* The functions and powers of the town planning and zoning board shall include:
    - a. Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of man-made and natural physical features of the area concerned, statistics on past trends and present conditions with respect to population, property values, economic case, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts;

- b. Establish principles and policies for guiding action in the physical development of the town;
- c. Advise and consult with administrative staff and others as may be directed by the town council in preparing the comprehensive plan, recommending amendments to the plan based on continuing plan evaluation; and in recommending to the town council courses of action and proposed ordinances and regulations designed to promote orderly development as may be necessary to implement the plan or to carry out any function of the board;
- d. Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan as to growth and improvement;
- e. Keep the town council and the general public informed and advised as to the physical development of the town;
- f. Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings provided for hereby or by the town council;
- g. Make or cause to be made any necessary special studies on the location, condition, and adequacy of specific facilities in the area. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, public and private utilities, and traffic, transportation, and parking;
- h. Consider all plats subdividing lands, as well as all newly proposed streets or extensions thereto, and recommend acceptance, modification, or rejection thereof; prepare regulations for the subdivision and platting of land; review all plans for such streets and subdivisions, including all required community facilities such as drainage, water and wastewater facilities, and all other needed public improvements; and forward to the town council written recommendations on such matters;
- i. Undertake studies of town public land needs and recommend site acquisition for the same, including development plans and requisite facilities;
- j. Consider all questions involving the location, removal, or alteration in any way of any work of art belonging to the town, including monuments, memorials, and statuary, that is not kept indoors or assigned hereby or by ordinance to the jurisdiction of another agency; and, prior to the acceptance or rejection of any proposed gift to the town in the form of a monument or memorial, to approve or recommend modification or rejection of a sketch or plan thereof and the proposed location thereof;
- k. Annually prepare or update the capital improvements program and budget in conjunction with the town planner and town engineer, including the list of the capital improvements recommended for construction during the next fiscal year and the five (5) year period following it. This process should include identification of recommended order of priority thereof, the year recommended for beginning construction, the year recommended for completing construction, and the estimated costs thereof;
- l. Carry out powers of site plan review; and

- m. Perform any other duties which lawfully may be assigned to the board.
- (3) *Rules of procedure.* The planning and zoning board shall establish and adopt rules of procedure subject to approval by the town council, which include policies for, but not limited to, election and duties of officers; meeting schedule, time, and place; establishing order of business and method of transaction; procedure for action and voting by members; conduct of public hearings; rules of conduct; parliamentary procedure; maintenance of records; and method of amending same.
- a. *Officers.* The Planning and zoning board shall elect a chairman and a vice chairman from among its members. The board shall appoint a secretary who may be an employee of the town.
  - b. *Meetings.* The board shall meet at regular intervals to be determined by it and at such other times as the chairman or board may determine. It shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings and determinations. Such record shall be a public record. All meetings of the board shall be public.
  - c. *Administration of business affairs.* The board may, subject to the approval of the town council and within the financial limitations set by town council appropriations or by other available funds approved by the town council, employ such experts, technicians, and staff as may be deemed proper and pay their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the Board.
  - d. *Procedures for planning and zoning board.* Rules of the planning and zoning board shall also apply to the board acting under powers extended to the planning and zoning board in Chapter 163 F.S. Members of the planning and zoning board shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in existing city ordinances. All meetings of the planning and zoning board shall be public meetings and all agency records shall be public records. The planning and zoning board shall encourage public participation.
  - e. *Funding of planning and zoning board.* The town council shall appropriate funds at its discretion to the planning agency for expenses necessary in the conduct of its work. The planning and zoning board may, in order to accomplish its purposes and activities, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources, provided acceptance of loans or grants must be approved by the town council.
  - f. *Establish a schedule for comprehensive plan review.* The planning and zoning board rules of procedure shall establish a schedule for the review of the comprehensive plan pursuant to Chapter 163.3191 F.S. to determine whether comprehensive plan amendments are desirable.
- (4) *Decisions of the planning and zoning board.* Decisions of the planning and zoning board are advisory in nature. Actions and requests approved by the planning and zoning board shall not

be binding upon the Town of Malabar until approved by majority vote of the town council.

- (d) *Planning and zoning board reviews required.* Pursuant to the state's local government comprehensive planning act, the following reviews by the planning and zoning board are mandated:
- (1) *Review of development for consistency with comprehensive plan.*
    - a. *Intent.* In compliance with Chapter 163.3194 F.S. all development within the Town of Malabar and all development orders and public actions related to such development shall be consistent with the town's adopted comprehensive land use plan as may be hereafter amended. "Development order" as stated herein shall mean any order granting, denying, or granting with conditions an application for a development permit, building permit, zoning permit, subdivision approval, rezoning, variance, or any other action having the effect of permitting the development of land as defined in Chapter 163.3161 F.S.
    - b. *Review by planning and zoning board.* Where the building and zoning official or other administrative official as may be charged by the town council, determines that a question exists as to a development application's consistency with the comprehensive plan, a written report and recommendation regarding such question shall be forwarded by the administrative official to the planning and zoning board for its review. The issue shall be placed before the planning and zoning board at its next regularly scheduled meeting. The applicant shall be notified of the meeting date, time, and place of the meeting. Decisions of the planning and zoning board may be appealed to town council pursuant to section 2-250(c)(4) of this article.
  - (2) *Review and amendment of comprehensive plan.* At least once every five (5) years, the comprehensive plan or the completed parts thereof shall be reviewed by the planning and zoning board to determine whether changes in the amount, kind, or direction of development of the area, or other reasons, make it beneficial to make additions or amendments to the plan. If the town council desires an amendment or addition to the comprehensive plan, it may, on its own motion, direct the planning and zoning board to prepare such amendment; and if such amendment is in accordance with the purposes of the comprehensive plan, the board shall do so within a reasonable time as established by the town council. The procedure for revising, adding to, or amending the comprehensive plan shall be the same as the procedure for its original adoption.
  - (3) *Review of land development code adoption or amendment.* Prior to adoption or amendment of the land development code, the planning and zoning board shall review such regulations and maps, and hold appropriate hearings as required pursuant to Chapter 125.66 F.S. The planning and zoning board, regardless of the source of a proposed land development code change, shall hold a public hearing or hearings thereon, with due public notice, and submit written recommendations to the town council for official action on the proposal.
  - (4) *Review of development plans and policies required to carry out powers described herein or delegated by town council.* The town planning and zoning board shall conduct such other reviews of development plans and policies as shall be necessary to effectively carry out duties

and responsibilities described in Chapter 163 F.S., stipulated in this Code, or delegated otherwise by the Town council.

(Ord. No. 14-08, §§ 3, 5, 6-16-14)

**Editor's note**— Ord. No. 14-08, § 5, adopted June 16, 2014, redesignated previous Land Development Code § 1-12.3 as a new Code § 2-250 and amended newly created Code subsection 2-250(c)(4). Section 3 of that same ordinance further amended the newly created Code subsection 2-250(a).

Secs. 2-251—2-299. - Reserved.

# 2019 Calendar

January							February							March							April						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
	1	2	3	4	5	6					1	2	3					1	2	3	1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28				25	26	27	28	29	30	31	29	30					

May							June							July							August						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	

September							October							November							December						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
						1		1	2	3	4	5	6					1	2	3							1
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	
30																					30	31					

## Holidays and Observances

1 Jan : New Year's Day	May 12 : Mother's Day	Oct 31 : Halloween
21 Jan : Martin Luther King Jr. Day	May 27 : Memorial Day	Nov 11 : Veterans Day
Feb 14 : Valentine's Day	Jun 16 : Father's Day	Nov 28 : Thanksgiving Day
Feb 18 : Presidents' Day	Jul 4 : Independence Day	Dec 24 : Christmas Eve
Apr 21 : Easter Sunday	Sep 2 : Labor Day	Dec 25 : Christmas Day
Apr 13 : Thomas Jefferson's Birthday	Oct 14 : Columbus Day	Dec 31 : New Year's Eve