



# REGULAR TOWN COUNCIL MEETING

Monday, May 20, 2019 at 7:30 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA

- a. Approve Minutes of Regular Town Council Meeting 05/06/2019

Exhibit: Agenda Report No.1

Recommendation : Approve Minutes

**Attachments:**

- Agenda Report No. 1 (TownCouncilMinutes0506\_2019Draft.pdf)

5. ATTORNEY REPORT
6. BCSO REPORT
7. BOARD / COMMITTEE REPORTS
  - a. T&G Committee
  - b. Park & Recreation Board
  - c. Planning & Zoning Board
8. STAFF REPORTS
  - a. Administrator - EXCUSED
  - b. Clerk
  - c. Fire Chief

9. PUBLIC COMMENTS

Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)

***Five (5) Minute Limit per Speaker***

**10. PUBLIC HEARINGS (2) / SPECIAL ORDERS (0)**

**a. Adopt Budget Amendment to Fiscal Year 2018/2019 Budget (Ordinance 2019-06)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2018/2019 TO PROVIDE FOR REALLOCATION OF FUNDS WITHIN DEPARTMENTS; PROVIDING FOR ADDITIONAL FUNDS FROM UNRESTRICTED FUNDS ON DEPOSIT; TO PROVIDE FOR THESE ADDITIONAL EXPENDITURES AS APPROVED BY COUNCIL; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit : Agenda Report No. 2

Recommendation: Adopt Ordinance 2019-05

**Attachments:**

- Agenda Report No. 2 (Ord\_2019\_05.pdf)

**b. Adopt Comprehensive Plan Amendment 2018-01ER (Ordinance 2018-06)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING THE COMPREHENSIVE PLAN LARGE SCALE AMENDMENT (LSA) NO. 2018-01ER TEXT AND MAP PERTAINING TO THE LAND USE, TRANSPORTATION, PUBLIC FACILITIES AND COASTAL MANAGEMENT ELEMENTS; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Adopt Ordinance 2018-06

**Attachments:**

- Agenda Report No.3 (Comp\_Plan\_Amendment.pdf)

**11. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING**

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

**12. ACTION ITEMS**

ORDINANCES:

RESOLUTIONS:

MISCELLANEOUS:

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

### 13. DISCUSSION/POSSIBLE ACTION

RESOLUTIONS :1

**a. RESOLUTION 08-2019 NAMING THE FLORIDA SANDHILL CRANE THE OFFICIAL BIRD OF MALABAR**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE FLORIDA SANDHILL CRANE AS THE TOWN BIRD AND PROVIDING EXTRA PROTECTION FOR THESE BIRDS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Adopt Reso 08-2019

**Attachments:**

- Agenda Report No. 4 (Sandhill\_Crane.pdf)

### 14. PUBLIC COMMENTS

General Items (Speaker Card Required)

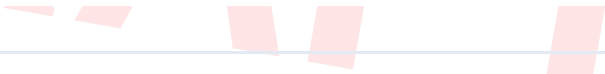
### 15. REPORTS - MAYOR AND COUNCIL MEMBERS

### 16. ANNOUNCEMENTS

### 17. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105).

The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.



Contact: Debby Franklin ([townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org) 321-727-7764)

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES**

**MAY 06, 2019**

**7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

**A. CALL TO ORDER:**

Council Chair, Mayor Patrick T. Reilly called the meeting to order at 7:30 pm. CM White led P&P.

**B. ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR/ACTING CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

BRIAN VAIL

DICK KORN, excused

DANNY WHITE

TOWN ADMINISTRATOR:

MATT STINNETT, excused

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

Clerk said the PW Director Tom Miliore was also present.

**C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**

CM White spoke about his reluctance to sign off on a bill and asked if Council could add Agenda Item 8a to appoint an alternate bill reviewer. Agreed.

**D. CONSENT AGENDA: Chair asked for a motion on the consent Agenda -**

- **Regular Town Council Meeting Minutes 4/15/19**
- **Town Council Workshop Meeting Minutes 4/29/19**

**MOTION:** CM Rivet / CM Vail to approve the regular meeting 4/15/19 minutes. Discussion: CM White said in reference to what Lt. Hooker said about part-time FF does not affect the ISO rating. Clerk said she would clarify the statement. **Vote:** 4 Ayes.

**MOTION:** CM Vail / CM Rivet to approve the 4/29/19 workshop minutes. Discussion: none. **Vote:** 4 Ayes.

**E. ATTORNEY REPORT:** nothing

**F. BCSO REPORT:** was present but had no stats to report due to software issue.

**G. BOARD / COMMITTEE REPORTS:**

**Drew Thompson, Chair, T&G Com:** Not Present

**Eric Bienvenu, Chair Park & Rec Board:** not present

**Wayne Abare, Chair, P&Z Board:** not present

**H. STAFF REPORTS:**

**ADMINISTRATOR:** TA is excused.

**PW DIRECTOR:** Tom Miliore, provided May calendar of scheduled projects and a package including roads graded, ditches cleaned, and projects completed in April. He also showed Council a picture of the catch basin they custom made for the Reef stormwater project.

**FIRE CHIEF:** April 1 to May 2 went over stats. Ladder truck is going. Was shift sensor. Prisoners will be out pressure wash and paint building.

**CLERK:** Reported that she is still needing articles for the MailBoat in July; deadline is mid-May.

**I. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) Five (5) Minute Limit per Speaker. **Speaker Card:**

**NONE.**

**J. PUBLIC HEARINGS/SPECIAL ORDERS: 0**

**K. UNFINISHED BUSINESS/GENERAL ORDERS**

**2. Request Malabar Declare Sand Hill Cranes a Protected Species**

Resident Lloyd Behrendt – Agenda Request Form

**Exhibit:** Agenda Request Form 2

**Recommendation:** Direction to Staff

Lloyd Behrendt bought in 1985 there were two nests and now they are everywhere. Referenced the recent deaths by drivers on Malabar Road. He proposes Council take action regarding the Florida Sandhill crane. Regarding being hit by drivers; it would be difficult to catch the drivers, but maybe if there were something official done by Council, drivers would be more attentive. Also told Council that people are not supposed to intentionally feed the Florida Sandhill cranes, as it can kill them. We need to do an information campaign - do article for newsletter. Have a resolution passed by the Council saying this is a sanctuary Town for the Florida Sandhill cranes. Put up signs to alert drivers of the cranes. Also, ask G-V if they want to join in on the resolution, since they have a similar environment. Channel 13 and Channel 6 are following this issue. Mayor is willing to do a proclamation. CM Ball said we could make it the official Town bird. Franklin said a resolution could reference the Council's intent to encourage additional attention to the Florida Sandhill Crane and to name it the official bird of the Town. CM White said the information and education policy on these birds is important. He is aware that people may be feeding them intentionally or not know the harm it could cause. He will work with Lloyd on signage.

**MOTION:** CM Ball / CM White to direct a resolution be drafted regarding naming the Florida Sandhill Crane as the designated official Town bird and declaring that Malabar is a sanctuary for these birds. **Vote:** All Ayes

**PRESENTATION:**

**3. Henry Morin on Proposed Land Use Designation to CG for Parcel 568 at NE Corner of Babcock and Osage Street**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Action – direction to Applicant

**Speakers:**

Mr. Smutco, Lett Lane, doesn't feel part of this Town. Is against the commercial development. He lives on a dirt road. He opposed Council's management of this Town.

David Scardino, Lett Lane, represented many other residents of Lett Lane in the audience; they are objecting to this proposal to change to CG at Osage and Babcock. He was a city planner. Residents on Lett Lane are opposed to putting industrial development in this area. He said if it is changed to allow commercial, then the other parcels to the north will also change and before long there will be industrial development. It is a slippery slope.

Presentation by Mr. Henry Morin, Palm Bay, the agent for this parcel and the proposed change. He has been a commercial real estate broker for 40 years. It is currently designation as "OI" (office institutional) and the regulations will allow a building of 12K sq. ft. The same setbacks apply to the current zoning. He explained in the 1980's, this was a BU-2 commercial classification when the Town used the county's designation. The property to the south is in G-V and has a Town Commercial Land use, which is similar to BU-2 and further south has a lighter commercial density. The homes to the north and east of this parcel can keep the residential land use. Palm Bay hasn't changed their Future Land Use map, the City's Economic Development Coordinator said the city intends to change it to multiple family/commercial. Babcock Street is one of the highest traffic roadways in county. Osage Road is going to have an opening with the upcoming 4-lane widening project. This presentation was to test the water.

He said it is very common to have higher commercial density at intersections. He referenced the new WA-WA and Cumberland Farms are a higher intensity commercial than the interior parcels. He also opposes the slippery slope comment. There are regulations that clearly state the requirements, setbacks, lot size and maximum coverage. There are standards. Chair thanked Mr. Morin for coming in.

**L. ACTION ITEMS:**

**ORDINANCES FOR FIRST READING: 0**

**RESOLUTIONS: 2**

**4. Support Brevard County Ordinance to Require Signage to Sell Fertilizer in Summer Reso 06-2019)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE SUPPORT OF BREVARD COUNTY'S ORDINANCE TO REQUIRE SIGNAGE AT VENDORS SELLING FERTILIZER BETWEEN JUNE AND SEPTEMBER TO ALERT CONSUMERS TO THE IMPORTANCE OF REDUCING TMDL IN THE IRL; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4

**Recommendation:** Adopt Reso 06-2019

Reso read by title only.

**MOTION:** CM Rivet / CM Vail to approve Reso 06-2019. **Rollcall vote.**

CM Ball, Aye; CM Vail, Aye; CM Korn, excused; CM White, Aye; CM Rivet, Aye. Approved 4 to 0.

**5. Amend Administrative Fees (Reso 07-2019)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE AMENDMENT OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR APPLICATION FEE TO NAME A NEW STREET; PROVIDING FOR APPLICATION FEE WHEN REQUESTING LAND USE DECISIONS NOT OTHERWISE COVERED; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5

**Recommendation:** Approve Reso 07-2019

Reso read by title only.

**MOTION:** CM Vail / CM Rivet to approve Reso 07-2019. **Rollcall vote.**

CM Ball, Aye; CM Vail, Aye; CM Korn, excused; CM White, Aye; CM Rivet, Aye. Approved 4 to 0.

**MISCELLANEOUS: 3**

**6. Proposed Depth of Six Parcels on the south side of Malabar Road for both R/LC and OI Land Use Designations on FLUM before final adoption**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Action – direction to staff

Speakers:

Mr. Jack Kirshenbaum, Attorney representing the 25-acre site east of Weber Road. His clients submitted letters to Town and State opposing the proposed land use designation change to OI and to the depth issue. They have already submitted for a subdivision development under the current land use and zoning and wanted confirmation that it will be considered under the existing regulations.

Jack Hessey, Whimsical Lane. He commented that half of the six owners of the properties are from out of state. He thinks Council is being over generous to the out of town speculators.

Bruce Moia, MBV Associates, representing 25-acre piece. They have been here a couple of times. The owners are not in favor of the change. He is the owner of MBV and they recently submitted for a subdivision development.

Attorney Bohne told Council the applicants submitted a subdivision package for preliminary plat review. It will be reviewed under the current land use and zoning designation of RR (rural residential).

**MOTION: CM Rivet / CM Vail to keep the depth to 660 feet - for discussion.**

Discussion: CM Rivet understands we support commercial development. He supports that unless it negatively impacts the rural residential community. Putting commercial land use next to residential at the depth of 1,320 feet is too far into RR land use. Splitting the land use for these deep lots will protect the rural development. If we are serious about keeping Malabar rural, we would oppose a deeper depth.

CM Ball does not agree. To take a whole property and divide it could hurt both values. CM Rivet said the alternative is keeping it all the same. Keep it rural.

CM White said 660" is a lot of depth. He understands the resident's concerns, but a 660-foot buffer is extreme. He agrees with CM Vail.

CM Vail said splitting the land would create access problems. CM Vail said he thinks we can provide adequate buffer between the two land use designations so that the existing RR uses will not be adversely affected. We have a very limited commercial development especially due to the State purchase of land in the Industrial Park. We have to use the commercial we have. Residential tax base will not support the Town.

CM Ball said the key is to leave commercial development along the main corridors to support the rural residential development.

CM Vail keep it a whole property. The downside is the 660' buffer will be worthless. CM Vail said there are already regulations on buffer requirements in the code and if necessary, they can amend those to make it more restrictive.

Juliana Hirsch, 1035 Malabar Road. If we move to keep it half and half, then you will still need a buffer between the commercial and the residential. CM Rivet's argument doesn't stand. There is a larger buffer requirement whenever commercial abuts residential so if the land use change is at 1,320 feet or 660 feet, there will be a more restrictive setback. If Council changes the separation line to 660 feet, there is still a setback requirement due to the land use change. She stated she was asked personally during the P&Z discussion and the early Council discussions and does not see an additional protection to land owners, but rather an additional burden/restriction. If the land use designation goes back 1320 or 660 you will still have Commercial abutting residential. Whether you move the line. It is still abutting – she is totally against this. She stated that the wetland people have looked at her property and said that most of it is wetlands.

**Vote:** Ayes, 1 (CM Rivet); Nay, 3



**MOTION:** CM Vail / CM Ball to reset the depth to 1,320 feet for land use designation.

**Vote:** 3 Ayes; 1 Nay (CM Rivet)

**7. Proposed Access to 20-acre parcel from unnamed ROW adjacent to Beekeeper/Old Mission Road – Request from Chris Thomas**

**Exhibit:** Agenda Report No. 7

**Recommendation:** Action – direction to staff

Request deals with access maintaining the current roadway. Without impacting wetlands. If he has to build the mitigation credit cost of 160K so wife and he can build a road.

Atty said years ago we had a variance procedure. No mechanism to deal with this. Bringing back the variance procedures will be part of the road workshop. Build the road and that would be an extreme hardship. We will cover this in our workshop.

Mayor asked what the solution. Use the existing roadway.

CM Ball said what about eminent domain. Can't we buy the Alabama ROW that Council vacated back? Could be very expensive.

CM Vail said he was opposed to variance procedures because that burden is place on the next parcel owner. He said there are too many short roads. The road workshop we are going to talk about and how we are going to deal with these unique situations.

Obligation to develop for the future. We are making decisions that will impact people in the future. Atty would rather table it until after the workshop.

**MOTION:** CM Vail / CM White to table it. **Vote:** Ayes, 4; Nay, 0

**8. Waive Building Permit Fees for 2125 Howell Lane Reconst after house fire**

**Exhibit:** Agenda Report No. 8

**Recommendation:** Action – direction to staff

**MOTION:** CM Ball / CM White to waive the fees. **Vote:** Ayes, 4; Nay, 0

8.a. Alternate for bill reviewer.

**MOTION:** CM White / CM Ball to appoint CM Vail as the alternate bill reviewer. **Vote:** All Ayes

**M. DISCUSSION/POSSIBLE ACTION: 2**

**9. Discussion on Special Assessment (SA)**

Atty thanked Chief for getting the Cocoa info. Use the Special Assessment process. Must do the ordinance, and fee resolution, case law is clear on fire protection being a proper reason for a special assessment.

CM White wants to do it through the millage route. He knows the situation the Town is in – if we do look at raising additional revenue he wants it presented to the people of the Town that it is to address the budgetary needs for the whole Town.

CM Ball asked why the SA can't be millage based and can't be based on property value. Atty said it is based on the benefit received.

CM White has heard people say that pay property taxes for roads and drainage and got a FD instead.

CM Rivet supports Special Assessment.

CM White supports voted millage - show as much care for the other needs of the Town.

Franklin explained the roll back rate. That is the percentage that will get you the same amount of ad valorem as you got the preceding year. The Special Law 74-430 restricts cities in Brevard County from increasing their ad valorem more than ten percent over the amount they received the preceding year. So, if your ad valorem is \$470,000.00, ten percent is \$47,000.00. That will not go far into funding the capital improvements we have identified such as repaving Rocky Point Road, Corey Road, Weber Road, Briar Creek Boulevard or funding a large stormwater project at Corey Road.

CM Vail said if you don't change your oil eventually you will need an engine - CM Vail as a Council you need to inform the community there will be expedient costs associated with replacing instead of maintaining.

CM Ball said the millage rate is the way to go. That is where this should be coming from. If you lay it out to the voters and then it is up to them. The SA is a little cumbersome.

CM Rivet – if we do it on millage rate – doesn't reflect adequately what the town does. CM White, you don't go around them. They will vote on something they understand.

Straw vote by Council to only ask for one or the other.

Increase Millage: CM White, CM Ball and CM Vail  
Propose SA: CM Rivet

CM White said he understands it is easier to get SA passed. We have greater needs, that is why he says millage.

Council direction to staff is to start the process to draft the referendum question to increase the millage.

**10. Discussion on Possible Ordinance regarding Public Notices**

CM Rivet had a resident – as long as we get it posted. We don't need to do an ordinance.

**PUBLIC COMMENTS: General Items (Speaker Card Required) none**

**O. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Ball: Took a bike ride and the ditches look cleaner. And water flowing. Really do like the information on the calendar.

CM Vail: nothing

CM Rivet: driving around town and looking at ditches. We are making significant improvements.

CM Korn: excused

CM White: Thanked CM Ball again.

Mayor: Mayor's Breakfast is this Friday. All 16 cities.

**P. ANNOUNCEMENTS:** Openings on Bd of Adjustment and Park and Recreation Bd.

**Q. ADJOURNMENT:**

There being no further business to discuss and without objection, the meeting was adjourned at 10 PM.

BY: \_\_\_\_\_  
CM Steve Rivet, Council Vice-Chair

ATTEST:

\_\_\_\_\_  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer

Date Approved: 5/20/2019

DRAFT

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2  
Meeting Date: May 20, 2019**

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

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**SUBJECT: FY 18/19 Budget Amendment (Ordinance 2019-05) – PH & 2<sup>nd</sup> Reading**

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**BACKGROUND/HISTORY:**

It is within normal governmental accounting practices to adopt budget amendments during the fiscal year when the legislative body determines they are necessary.

An amendment to the budget is done by ordinance whenever the bottom line of the budget is either increased or decreased. It is also required when funds are moved between departments.

At the April 1, 2019 meeting, Council discussed the possibility of amending the current budget to upgrade the four (4) part-time Driver/Engineers to full-time positions in order to offer insurance benefits. CM Korn requested this be added to the April 15, 2019 agenda for immediate action in the hopes of retaining existing trained personnel that are considering offers from other agencies that provide insurance benefits. He further requested Chief Foley and/or one of the Lieutenants to attend and speak to this issue.

CM Vail spoke at the last meeting about the tight employment environment and how offering health insurance benefits could make a difference.

The additional costs to promote the four positions to full-time is \$37,298.00 for the four remaining months in this fiscal year. That includes wages, FICA, FRS and health and dental premiums.

If Council supports such an amendment, Staff is prepared to transfer \$11,000.00 from other departments, shift \$10,000.00 within the fire department budget and pull \$16,298.00 from unrestricted reserve funds on deposit.

This ordinance was legally advertised as required by F.S. 166.

**FINANCIAL IMPACT: for remainder of current fiscal year**

***\$22,000.00 from current budget***

***\$16,298.00 funds from reserves on deposit***

**\$37,350.00 TOTAL**

**ATTACHMENTS:**

Ordinance 2019-05

**ACTION OPTIONS:**

Action on second reading of Ordinance 2019-05.

**ORDINANCE 2019-05**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2018/2019 TO PROVIDE FOR REALLOCATION OF FUNDS WITHIN DEPARTMENTS; PROVIDING FOR ADDITIONAL FUNDS FROM UNRESTRICTED FUNDS ON DEPOSIT; TO PROVIDE FOR THESE ADDITIONAL EXPENDITURES AS APPROVED BY COUNCIL TO FUND THE COST TO PROMOTE FOUR PART-TIME FIRE FIGHTERS TO FULL-TIME POSITIONS; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council has approved promoting the four part-time Driver/Engineers positions in the fire department to full-time positions to be eligible for benefits as of the date of the promotion; and

**WHEREAS**, the funds necessary to meet the additional payroll and insurance benefits of promoting four Malabar part-time Driver/Engineers positions in the fire department to full-time positions has been determined to be \$37,298.00 for the remainder of the current fiscal year; and

**WHEREAS**, \$10,000.00 will be funded from existing funds in the Fire Department's current budget; \$11,000.00 will be transferred in from other departments and the balance of \$16,298.00 being brought in from reserved funds on deposit; and

**WHEREAS**, the Town Council has directed that staff prepare a budget amendment to increase the funding source total to the annual fiscal budget to \$1,924,571.00 and the expenditures total to \$1,924,571.00 in the General Fund.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA that;**

**SECTION 1. Total Revenues.**

Total revenues in the 2018/2019 Fund 001 General Fund be amended from \$1,908,273.00 to \$1,924,571.00 to reflect the increase in the revenues for the General Fund by \$16,298.00.

**SECTION 2. Total Disbursements.**

Total disbursements in the 2018/2019 Fund 001 General Fund be amended from \$1,908,273.00 to \$1,924,571.00 to reflect the increase in the expenditures for the General Fund by \$16,298.00.

**SECTION 3. Funding Source.**

The funds necessary to provide for this Budget Amendment to the FY 2018/2019 budget are from reserved funds on deposit.

**SECTION 4. Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** This ordinance shall become effective immediately upon its adoption after the second reading and public hearing.

This ordinance was moved for adoption by Council Member \_\_\_\_\_ and 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 Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This ordinance was then declared to be duly passed and adopted this 6th day of May, 2019.

**TOWN OF MALABAR**

By

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

First Reading: 4/15/2019 Approved 3 to 2  
Second Reading: 5/20/2019

ATTEST:

\_\_\_\_\_  
Debby K. Franklin, CMC,  
Town Clerk/Treasurer

(Seal)

Approved as to Form and Content:

\_\_\_\_\_  
Karl W. Bohne, Jr.,  
Town Attorney

# TOWN OF MALABAR

## MEMORANDUM

**Date:** April 22, 2019 2019-TC/T-028  
**To:** Honorable Mayor Reilly and Council  
Matthew Stinnett, Town Administrator  
Mike Foley, Malabar Fire Chief  
**From:** Debby K. Franklin, C.M.C., Town Clerk/Treasurer  
**Ref:** Additional Wages for Fire Dept Personnel Promotion from Part-time to Fulltime

In response to the questions raised at the April 15, 2019 RTCM, I would like to offer the following explanation.

Part-time personnel are budgeted for 1,248 hours per year. Fulltime personnel are budgeted at 2,208 hours per year a difference of 960 hours or 80 hours per month per employee.

80 hr (difference between FTE and PTE per month)  
x4 employees  
320 total hours per month

x \$10.40 (wages per hour)  
\$3,328.00 more per month or \$1,664.00 per pay period

The budget amendment was based on the difference needed for the remainder of this fiscal year which includes nine (9) payrolls (June-Sept). Each payroll will be increased by \$1,664.00 in wages for a subtotal of \$14,976.00. The last week of May (May 22-28) will increase wages another \$832.00.

Wages increase a total of \$15,808.00.

Total increase for Health and Dental Insurance is \$9,741.39 for June-September.  
Health at 735.26 and Dental at 25.80 monthly at 80% times four employees equal \$2,425.39 x 4 months (June-Sept) equal \$9,741.39.  
FRS on the increased wages total \$3,794 for June-September.

Wages:	\$15,808.00
FICA:	\$ 1,209.31
Ins:	\$ 9,741.39
FRS:	\$ 3,793.92
TOTAL	\$30,552.62

If the amendment is approved and made effective as of May 1, 2019, an additional \$6,806.65 should be added. The grand total would then be \$36,149.96.

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3**  
**Meeting Date: May 20, 2019**

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

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**SUBJECT: Ordinance 2018-06 Adopting the Large-Scale Amendment #2018-01ER to the Comprehensive Plan for Future Land Use, Transportation, Public Facilities and Coastal Management Elements with the State's Recommendation Incorporated**

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**BACKGROUND/HISTORY:**

This Evaluation and Appraisal Report (EAR) is performed every seven years to keep the Town's Comprehensive Plan relevant. The most recent update was sent to the State and other agencies for review in October 2018. The State Department of Economic Opportunity (DEO) responded with two recommendations:

- 1) To include a legend and timeline on the Future Land Use Map and
- 2) To include additional language in the Coastal Management Element to elaborate on the Peril of Flood legislation that was approved in 2015.

Malabar Council accepted both recommendations and made the changes and is now prepared to adopt the final amendment and send it to the State for their records. This cycle is repeated every seven years.

Since that time, we have received requests to change the depth of the six parcels on the south side of Malabar back to 1,320' to include the entire parcel. Council voted to make this change at the May 6, 2019 meeting.

**ATTACHMENTS:**

Ord 2018-06 containing the Large-Scale Amendment identified as 18-01ER by the State.  
Update Future Land Use Map (FLUM) with legend and timeline  
New language with Peril of Flood added to the Coastal Management Element

**ACTION OPTIONS:**

Adoption of Ord 2018-06 to give final approval of the amendment.



## May 20, 2019 Final Adoption of the Comprehensive Plan Amendment 2018-01ER

### Comp Plan Text Change and Future Land Use Map Update – Project Summary

Each municipality has a Comprehensive Plan that provides the plan for development and redevelopment over the near 5-year period and a longer 10-year period. Every seven years the Town is required to notify the State if the Plan is still adequate or if it needs updating. The Town's Comp Plan was last updated in 2010. In 2016, the Town informed the State that updated language related to the mixed-use development known as Residential/Limited Commercial (R/LC) would be incorporated into the Comp Plan. The Town also committed to updating the Future Land Use Map for the R/LC and CON (conservation) designations.

This submittal to the State will provide for those changes and other changes as required by law.

#### Chapter 1 – Future Land Use Element

- This provides the Planning Guidelines for Development and Redevelopment
  - i) Planning Timeframes are pushed out to the next period (2023 – 2028)
  - ii) Existing Lands Use, Facilities, Potable Water, Stormwater, Transportation, Parks and Recreation, Public Schools Analysis is updated
  - iii) Development & Redevelopment within Flood Prone Areas – language is updated per the “Peril of Flood” statutory requirements adopted a few years ago.
- Updated Future Land Use Map – showing the current and proposed changes ***(Revised)***
- Add text to the Residential/Limited Commercial definition and ratio table for uses

#### Chapter 2 – Transportation Element

- This chapter is required by F.S. 163 and Florida Administrative Law 9J-5.019 updating text changes from 2009 and addressing each major transportation type; rail, federal, state and local roadways and updated statistics and levels of service
- The Malabar Road corridor planning and future Pedestrian and Bicycle Plans that will be done in a subsequent update

#### Chapter 4 – Public Facilities Element

- This chapter has been updated with all the changes that have occurred since 2009 related to the public facility providers of sanitary sewer, solid waste, drainage, potable water and ground water aquifer recharge
  - i) Design, Capacity, Demand and Level of Service for each of these public facilities
  - ii) The non-ad valorem fee assessment for the Stormwater Utility increased from \$36 to \$52 per ERU in 2016 and \$64 per ERU in 2020.
  - iii) Solid Waste capacity and future plans for additional capacity
  - iv) Flood protection is updated to include the new “Peril of Flood” language that requires the Town to discourage development and redevelopment in known flood prone areas and new FEMA requirements for references to be followed in the Florida Building Code

#### Chapter 5 – Coastal Management Element – ***(Revised upon recommendation of State DEO)***

- This chapter addresses the development and redevelopment rules dictated in the F.S. 163 dealing with new “Peril of Flood” legislation. Updates on the text also include a reference to the newly adopted flood-resistant construction requirements in the Florida Building Code. These are required in order to participate in the National Flood Insurance Program Community Rating System administered by FEMA



To: Matthew Stinnett, Town Administrator

From: Tod Mowery, Town Planner

Date: May 7, 2019

RE: Evaluation and Appraisal Report (EAR) of the Town's Comprehensive Plan

As an update to the Memorandum dated 5/6/19, Redtail has updated the Coastal Element Plan to include new text on pages 5-2, 5-5 and 5-6. As well as the insertion of the phrase "best management practices" in Policies 5-1.6.3 and 5-1.7.6. The policy 5-1.6.1 was updated to include coordination with the Florida Department of Emergency Management for SLOSH maps and updates as needed. Two new policies were added creating Policy 5-1.6.4 and 5-1.6.5:

5-1.6.4 Policy:

Development and redevelopment site plans shall be reviewed for compliance with the Goals, Objectives, and Policies in the Town's Comprehensive Plan, as well as consistency with flood resistant construction methods.

5-1.6.5 Policy:

The Town shall administer Land Development Regulations to protect public and private property from the effects of hurricane winds and flooding. The Land Development Regulations will be reviewed and updated as appropriate.



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Port St. Lucie, FL 34953  
c. - 561.262.6304  
todm@redtaildg.com



To: Matthew Stinnett, Town Administrator

From: Tod Mowery, Redtail Design Group

Date: May 6, 2019

RE: Evaluation and Appraisal Report (EAR) of the Town's Comprehensive Plan

Redtail DG has reviewed the transmitted comprehensive Plan, as well as the response from DEO known as the Objections, Recommendations and Comments (ORC) Report.

The ORC Report consisted of one Objection and one Comment from the State of Florida. Additionally, St. John's River Water Management District and the State's Department of Environmental Protection (DEP) indicated via email that they had no objections to the transmitted documents.

**Objection 1:** The proposed amendment does not address all the requirements of Section 163.3178(2)(f)1-4, 6 of the Florida Statutes.

**Response:** Redtail DG has reviewed the Florida Statutes, as well as the Coastal Element for Titusville, Vero Beach and Tampa. Additionally, online resources <https://www.perilofflood.net/resources> and the University of Florida GeoPlan Center were utilized to review the requirements. To address the recommendation that the amendment should include "specific development and redevelopment principles, strategies, engineering solutions and best practices to eliminate inappropriate and unsafe development" Redtail recommends the inclusion of the following two sentences to the Coastal Element:

Page 5-2, second paragraph (proposed text is show in underline format)

The use in the southern portion of the Coastal Planning Area is low density single family residential Development and redevelopment within the Coastal Area shall be reviewed to promote best management principles in stormwater control and engineering and as well as consistency with flood resistant construction methods in the Florida Building Code.

Page 5-6, first paragraph (proposed text is show in underline format):

These homes are served by public sewer and water, the Town infrastructure for these services is within the CHHA. The Town of Malabar shall administer Land Development Regulations to protect public and private property from the effects of hurricane winds and flooding; the Town shall ensure that construction of infrastructure related improvements coincide with the demands generated by development and are consistent with intensities and densities identified in the Future Land Use element.

**Comment 1:** Future Land Use Map should include the associated time frame.

**Response:** The Map will be revised to include the planning horizon.



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**Steps for adoption:**

By June 4, 2019, the Town should hold a second public hearing within 180 days after receipt of the Department of Economic Opportunity (DEO) Objection, Recommendations, and Comments Report. If the local government fails within 180 days after receipt of the Objection, Recommendation and Comments Report to hold a second public hearing, section 163.(4)(e), Florida Statutes, provides that the amendment(s) (except amendments related to a development of regional impact) shall be deemed withdrawn unless extended by agreement and notice to the State Land Planning Agency and any affected party that provided comments on the amendment. June 4 2019 is 180 days after receipt of ORC report, Redtail recommends that this item be agendized for the Town Council meeting of Monday, May 20<sup>th</sup>, 2019.

Local governments shall transmit three copies of the adopted amendment package within 10 working days after the second public hearing to the State Land Planning Agency and one copy to any other agency or local government that provided timely comments.

**ORDINANCE 2018-06 (transmittal approved 10/1/18)**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING THE COMPREHENSIVE PLAN LARGE SCALE AMENDMENT (LSA) NO. 2018-01ER TEXT AND MAP PERTAINING TO THE FUTURE LAND USE, TRANSPORTATION, PUBLIC FACILITIES AND COASTAL MANAGEMENT ELEMENTS; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Malabar updated its Comprehensive Plan in full in 2010 and Florida Statute 163 requires local governments to evaluate its Comprehensive Plan every seven and notify the State if further changes are required; and

**WHEREAS**, Malabar submitted its Comprehensive Plan Amendment to the State and other reviewing agencies on October 1, 2018 and received two recommendations back from the State which they incorporated in this amendment; and

**WHEREAS**, it is Council's intention to adopt this Comprehensive Plan amendment to satisfy the requirements of the State by updating the Future Land Use Map and the text in four of the nine Elements that make up the Comprehensive Plan; and

**WHEREAS**, it is Council's intention to adopt the Comprehensive Plan Amendment with the recommendations from the State incorporated.

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

**Section 1.** That the Comprehensive Plan Amendment 2018-01ER large scale amendment (LSA) is attached as Exhibit "A".

**Section 2.** It is the intention of the Malabar Town Council to adopt the amendment to the Comprehensive Plan. The Clerk of the Town is hereby directed to incorporate the approved Comprehensive Plan Amendment into the Comprehensive Plan of the Town.

**Section 3.** Town Staff is directed to send three full copies of the adopted amendment to the State Department of Economic Opportunity and one copy each to the Saint Johns River Water Management District and the Department of Environmental Protection.

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

**Section 5.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the

date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective

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 Steve Rivet
- Council Member Dick Korn
- Council Member Danny White

This ordinance was then declared to be duly passed and adopted this 20<sup>th</sup> day of May, 2019.

TOWN OF MALABAR

\_\_\_\_\_  
Mayor Patrick Reilly, Council Chair

P&Z Board Review: 9/12/18  
Transmittal Council Reading: 10/01/18  
Adoption Second Reading \_\_\_\_\_

Approved as to form and  
legal sufficiency by:

\_\_\_\_\_  
Karl W. Bohne, Jr.  
Town Attorney

ATTEST:

\_\_\_\_\_  
Debby K. Franklin, C.M.C.  
Town Clerk / Treasurer

# CHAPTER ONE

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## FUTURE LAND USE ELEMENT

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### **PURPOSE**

The purpose of the Future Land Use Element is the designation of future land use patterns as reflected in the goals, objectives and policies contained in the Town of Malabar's Comprehensive Plan. The supporting data provides a broad survey of current land use patterns, natural land features, and availability of public facilities for existing and future development. Future land use patterns are depicted on the Future Land Use Map (Map FLU-9).

### **PLANNING TIMEFRAMES**

The Town of Malabar Comprehensive Plan provides guidance on development and redevelopment over two planning periods: a 5-Year period ending FY 2023 (short term) and a 10-Year period ending FY2028 (long term).

### **EXISTING LAND USE CONDITIONS**

The Town of Malabar is located in the southeast section of Brevard County. The Town's eastern border is along the beautiful and ecologically diverse Indian River Lagoon. In the late 1800's mail was delivered to the fledgling community via a mail boat that docked along the Indian River Lagoon's banks. The Town remains proud of their rustic and rural roots. The Future Land Use element supports the Town's desire to retain its rural heritage both in new development and redevelopment.

An analysis of Existing Land Use indicates that single family residential use designations make up approximately 55%; Commercial, Industrial and Agricultural uses make up 12% and conservation and municipal uses make up 33% of the total land area.

## **FACILITIES ANALYSIS**

### **Sanitation Sewer Facilities**

Most of the town relies on septic systems for wastewater treatment. Four private wastewater package treatment plants service three mobile home parks and the Harris Corporation. The Town sold its sanitary sewer transmission lines to Palm Bay Utility Department (PBUD) for the portion of the Town where sewage collection is provided. PBUD operates the Troutman Waste Water Treatment Plant (WWTP), a 4.0 Million Gallon per Day (MGD) plant located on the east side of Troutman Boulevard. This is sufficient to serve the PBUD service area in excess of the 10-year planning period.

### **Potable Water Facilities**

The Town of Malabar's potable water is primarily derived from on-site shallow wells, which withdraw water from the surficial aquifer. The Harris Government Systems development operates and maintains a private water treatment plant. The three mobile home parks within the Town also maintain private water treatment facilities.

The Town sold its distribution system to PBUD. PBUD operates the Troutman Water Treatment Facility and the South Regional Water Treatment Facility. The Troutman Water Treatment Facility has both a Lime Softening (LS) Water Treatment Plant (WTP) and a Reverse Osmosis WTP. PBUD is authorized to serve the water and sewer needs of Malabar and to work within all Town rights-of-way and utility easements.

The permitted withdrawal rates for this plant are 4.7 MGD declining 0.1 MGD per year until 2021, when the withdrawal rate will be 3.4 MGD for the Surficial Aquifer wells and 0.72 MGD for the Floridan Well. The RO WTP has 3 Floridan Aquifer wells permitted to withdraw 2.61 MGD. The current capacity of the RO WTP is 1.5 MGD with the ability to expand to 3 MGD. The South Regional Water Treatment Facility is an RO facility with five Floridan Aquifer wells with a permitted withdrawal of 5.09 MGD in 2007 expanding to 10.49 MGD in 2021.

### **Solid Waste**

Solid waste collection is provided to the Town under contract with Waste Management Inc. Hazardous wastes are discussed in the Conservation Element. The Town coordinates with Brevard County on solid waste issues, including landfill issues. Solid waste handling and disposal is performed by the Solid Waste department of Brevard County. The County owns and operates the Central Disposal Facility, Sarno Transfer Station and Landfill, Mockingbird Mulching Facility and the Titusville Transfer Station. The Central Disposal Facility has permitted capacity for nearly 10 years. There is an additional 16 years of capacity in the southern expansion area.

### **Stormwater Drainage Facilities**

The Town of Malabar joined the Brevard County Stormwater Program in 2000. Funding for the stormwater program is collected through taxes by the Town at an average of \$107,000 annually



since 2017. There is an interlocal agreement to pay the County to administer this utility. Through this program, the County acts as the stormwater administrator for the Town, ensuring that the procedures and policies enacted in the Town are consistent with that of the County. This partnership has proven to be a more efficient and cost-effective approach to stormwater management. There are ten prioritized stormwater capital improvement projects planned within the Town since 2014 and are reviewed and modified as necessary each year.

## Transportation

The major north-south traversing roadways for the Town are US-1, SR-507/Babcock Street, Corey Road, Weber Road, Marie Street, and I-95. The major east-west traversing roadways are SR-514/Malabar Road, Valkaria Road, Hall Road, and Atz Road.

The level of service analysis for existing conditions indicates that all the roadways within the Town of Malabar, except SF-9/I-95 and SR-507/Babcock Street, are operating at the adopted level of service. A feasibility study regarding widening of Malabar Road was completed by FDOT in 2008. The Space Coast Transportation Planning Organization (TPO) is planning engineering studies in 2025 regarding widening of Babcock Street. FDOT plans to widen I-95 to increase its capacity and address level of service standards as shown in the Schedule of Capital Improvements.

I-95 is also a designated *Strategic Intermodal System* (SIS) corridor within the Town. The SIS is a statewide system of high priority facilities including major interregional highways, airports, deepwater seaports, freight rail terminals, passenger rail and bus terminals, rail corridors, and waterways. There are no additional SIS facilities within the Town; however, Port Canaveral and Melbourne International Airport, which are also located in Brevard County, are a ***Designated SIS Seaport Hub and Emerging SIS Facility, respectively.***

Malabar continues to work with other agencies in the development of greenways and trails. A greenway trail is a multi-use corridor with equestrian paths and will be kept natural (not paved) in environmentally sensitive areas. The Al Tuttle Trail will link the Malabar Scrub Sanctuary to Turkey Creek Sanctuary in Palm Bay. The Malabar Sand Hill Trail connects the Al Tuttle trail south to the Jordan Scrub Sanctuary in Malabar to other natural areas outside the Town's limits such as the preserve by Valkaria Airport, the Turkey Creek Sanctuary, and the Sebastian Buffer Preserve.

One of the major east-west traversing roadways is SR-514/Malabar Road. The Town continues to work with Brevard County Transportation Planning, East Central Florida Regional Planning Organization and the Department of Transportation to make necessary improvements to the roadway to accommodate increased traffic and safety concerns voiced by Malabar residents.

## Parks and Recreation

The Town has adopted a Level of Service of five (5) acres per 1,000 residents. The Town's Malabar Community Park, at 20 acres will meet that level of service until Malabar reaches a population of 4,000. In addition, Malabar has developed a Disc Golf Course through 8.5 acres of conservation land it owns and manages. The Richard E. Cameron and Volunteers Wilderness Preserve at the north end of Corey Road provides 100 acres of multi-use trails, a scenic overlook and connections to the Turkey Sanctuary to the north, adjacent connections to the Malabar Scrub Sanctuary and connects to the Malabar Community Park and the Malabar Sand Hill Trailhead.

There are approximately 150 acres of park space and they will continue to meet the level of service through the short term (5 year) and long term (10 year) planning periods.

The Town has been an important partner to the Brevard County Environmentally Endangered Lands (EEL) program which manages approximately 913 acres of wetland and upland community habitats within the Town.

## Public Schools

The Brevard County School Board provides figures for current and projected student enrollment and capacity for each district. Malabar is within the School Board District 3. Within District 3 there are currently 2 elementary schools, 1 middle school, and 2 high schools serving the Town of Malabar.

In 2010, legislation was passed that no longer required municipalities to include the Public Schools Facilities within its Concurrency Element. Although, Malabar has no schools within its jurisdiction it committed to an Interlocal Agreement in 2014 with Brevard County Commissioners and Brevard County School District to provide coordination and review for future public school site selection, potential school closures, renovations and the impact that may have on our Comprehensive Plan. The Brevard County School District Work Program in five-year periods will be reviewed independently of this Comprehensive Plan as will their Level of Service standards.

**TABLE 1-8: PUBLIC SCHOOL LEVEL OF SERVICE, 2007-08 – 2011-12** Table to be updated

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~~The School District's 2008-09 Five Year Facilities Work Program goes on to project the 2017-18 average utilization rate for all schools will be 82.63%. Therefore, LOS will be met for the five and ten-year planning timeframes.~~

### Capital Improvements

The Town has prepared a financially feasible Schedule of Capital Improvements (SCI) in the Capital Improvements Element. Currently the Town has scheduled no projects affecting Level of Service standards. The Town included City of Palm Bay potable water projects and FDOT projects in the SCI (schedule of capital improvements).

### HISTORIC PRESERVATION

On December 24, 1883, Malabar received official designation from the U.S. Postal Service and President Chester A. Arthur appointed R.A. Ward the first Postmaster for the local population of 25. Two times a week, weather permitting, a mailboat, depicted in the Malabar Town seal, hoisted sail and traveled along the shallow Intracoastal Waterway from Jacksonville to deliver the mail. A palmetto shack served as the post office just north of Malabar Road. It was close to a pier north of the Malabar Road – U.S. Highway 1 intersection today. Although never built, the State of Florida had proposed a mule canal to travel inland from this area. Later, the steamboat arrived and dropped off mail further to the south on piers near Orange Avenue that extended over 300 feet to reach the deeper water these craft required. In 1893 the railroad replaced mailboats for delivery of mail and other commodities. The Town would like to mark these sites and incorporate the Town's history into future community facilities to the extent feasible.

The Town maintains Florida Department of State Master Site file information on historic and archaeological sites.

### LAND COVER

*Map FLU-7 Habitats and Land Cover* identifies and maps native habitat within the Town. Land coverage can be broadly categorized into disturbed lands and undisturbed wetland or upland habitats. The developed/disturbed land coverage comprises 1,565.83 acres of the total area. The bulk of this, 1,297.26 acres, is considered urban in nature. The wetland and open water coverage is 2,702.57 acres of the total area. The undisturbed native upland habitats are 4,047.11 acres of the total area.

**TABLE 1-9: HABITATS AND LAND COVER - table and map will be updated**

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### Water Resources

Some water ways are manmade features and some are naturally occurring depressional ponds. Two natural water ways, Goat Creek and Turkey Creek also traverse the Town. The predominant

water feature that is present is the Indian River Lagoon, which forms the eastern boundary of the Town. *Map FLU-6 Water Bodies* highlights water resources.

### **Wellfield Protection**

No public wellfields or wellfield protection zones are located within the Town.

### **Soils**

*Map FLU-3 Soils*, provides the general distribution of soils in the Town as presented in the 1990 National Cooperative Soil Survey conducted by the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRSC). Conservation Element Table 6-1. *Soils* provides a list of the soils found in the Town. Appendix 6-A *Soil Descriptions*, provides a description, as provided by the Natural Resource Conservation Service (NRCS), of each of the soils represented in the Town.

### **Soil Erosion**

Due to the relatively flat topography of the Town, lack of mining or large-scale land disturbance, and the protection by the barrier island, soil erosion is not a typical problem in the Town.

### **Commercially Valuable Minerals**

Many areas of central and southern Florida have been utilized to mine sand and lime rock materials for road building and development activities. Other than sand or lime rock substrate, there are no commercially valuable minerals in the Town. There are several inactive mining sites in the Town. Currently, commercial mining is a prohibited use and there are no active mining operations within the Town.

### **Development and Redevelopment on Flood Prone Areas**

Malabar adopted new regulations for Flood Damage Prevention in 2014 and incorporated them into the Code of Ordinances in Chapter 9 in compliance with the Federal Emergency Management Agency (FEMA) directives. There will be a reference to them in the Coastal Management Element. Most of the Town is an X zone, which is defined as areas determined to be outside the 500-year floodplain, (outside the 1% and 0.2% annual chance floodplains). This is an area of minimal flood hazard. In compliance with the Peril of Flood legislation adopted in 2015 as Senate Bill 1094, Malabar has added a redevelopment component into the Coastal Management Element.

### **Topography**

Map FLU-5 *Topography*, identifies the topography of the Town. The Town is relatively flat with elevations ranging from 0 to 30 feet. The vast-majority of the Town is at 20 feet. Although, the lowest elevation is found along the coastline and the two creeks that traverse the Town, Turkey Creek lies in the northwest corner and Goat Creek lies in the southeast corner, there are multiple basins and sub-basins identified by engineering studies paid for by Malabar that show development within Flood Zone A. The Atlantic Coastal Ridge, a narrow ridge that runs along

mainland coastline, forms the highest ground in the Town. It is a natural barrier to drainage of the interior, except where it is breached by shallow sloughs or rivers. From this ridge, the ground slopes gently downward to the western sandy flatlands. The Atlantic Coastal Ridge runs along the vast majority of the eastern coast of the U.S.

### **Hazard Mitigation**

Within the Town there is a potential for impacts from lightning, wildfires, floods and tropical storms, but the most significant natural disaster threat the Town needs to plan for is the event of a hurricane. During a hurricane evacuation, a significant number of vehicles will have to be moved across the local and regional road network. There are no emergency shelters located within the Town. The Town has developed and has in place a current Local Peacetime Emergency Plan and has in place a mutual aid agreement with the Brevard County Sheriff's Office and the State of Florida. The Town also participates in the County Unified Local Mitigation Strategy. The Town coordinates their Pre-storm Planning, Storm Event Actions and Post Disaster Development with the County Emergency Management Office, through email and online communications, conference calls, cell phone networks and a new software program called Crisis Link. Training and interagency meetings are held throughout the year.

### **Need for Redevelopment**

At this time the Town contains no areas which require redevelopment. However, the Town, in response to resident's concerns, has identified Malabar Road as an area that should be considered for the development of a corridor plan, requiring additional setbacks, landscaping and pedestrian amenities. The general consensus is to encourage future development on Malabar Road as mixed-use with the development of a corridor plan that provides low-density mixed use commercial and office uses and requiring all new development on the corridor to comply with the Malabar Vernacular regulations in Article V, General Provisions, of the Malabar Land Development Regulations. The 2018 update of the Future Land Use Map indicates the change in designation from "Rural Residential" to "Residential/Limited Commercial" along the corridor on both the north and south sides of SR514.

Studies conducted during the planning stage showed that there had been no new residential directly on Malabar Road since the mid 1980's. With the Town's request to the State to widen and add safety improvements to Malabar Road, the future development along Malabar Road is intended for Mixed-use Commercial, Office and Limited Commercial.

The residential homes that currently exist along the road are no longer considered appropriate due to the access constraints and road characteristics which can be described as an arterial road rather than a local access road. The speed limit along Malabar Road also raises a concern for existing residential uses. Small clusters of commercial development have spurred along the road due to its centrality and connectivity to other arterial roads and major highways such as US-1 and I-95. It is this connectivity that presents an opportunity to develop Malabar Road into a

successful corridor. However, density and design standards must be carefully considered in order to preserve the Town's overall rural character.

# FUTURE LAND USE ELEMENT

## GOALS, OBJECTIVES, AND POLICIES

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**§1-1** *Future land use goals, objectives and policies.* This section stipulates goals, objectives, and implementing policies for the Land Use Element pursuant to S163.3177(6)(3), F.S., and S9J-%.006(3), F.A.C.

### GOAL 1-1

*Land Use.* Insure that the character and location of land uses reflect best management practices and principles of resource conservation, promote orderly land use transition, and minimize threats to health, safety and welfare which may be engendered by incompatible land uses, environmental degradation, hazards, and nuisances.

#### 1-1.1 Objective:

*Plan and design for residential quality.* Sufficient space shall be provided for residential development and require community facilities to adequately meet the housing needs of the present and expected future population of the Town. Residential development shall be planned and designed to create and perpetuate stable living areas and protect land and land improvements.

#### 1-1.1.1 Policy:

*Provide access to good and services and protect residential areas from adverse impacts of transition in land use.* Stable residential areas and projected future residential areas as delineated on the Land Use Map shall be protected from encroachment by incompatible nonresidential development. This objective does not preclude necessary community facilities from locating within residential areas when such activities satisfy established criteria of this plan and the Town's Code of Ordinances.

Any potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping, screening and buffering of all nonresidential activities located adjacent to residential activities. In addition, other reasonable design principles shall be included in the zoning code in order to alleviate any potential adverse impacts of potentially incompatible land uses.

1-1.1.2 Policy:

*Promote orderly land use transition.* Where it is infeasible to separate residential from nonresidential land uses, buffering shall be required to promote a smooth and gradual land use transition. Buffering may take the form of 1) physical barriers, such as berms, hedges or other landscape cover; walls or fences aesthetically designed for screening purposes; or open space systems with dense native vegetation; or 2) the development of a transitional use between the incompatible uses (such as low intensity office development between general retail commercial centers and residential areas).

1-1.1.3 Policy:

*Promote orderly transition in residential densities.* Highest residential densities shall continue to be allocated to sites highly accessible to major thoroughfares or collector streets and adjacent to existing development with the same or higher density or less restrictive zoning districts. Residential densities shall be allocated in a manner compatible with available public services, natural features of land as well as existing and anticipated future development.

1-1.1.4 Policy:

*Reinforce and enhance appearance of residential areas and provide amenities.* Scenic vistas, especially along the Indian River, Turkey Creek, Goat Creek, and their tributaries as well as vistas adjacent to transportation corridors should be enhanced by preservation of open space, by installation and maintenance of landscape and by application of community appearance criteria which reinforces good principles of design.

1-1.1.5 Policy:

*Encourage separation of urban and rural land uses.* Within one (1) year of the adoption of this plan, Article VII, Site Plan Review of the Land Development Code shall be amended to incorporate performance standards, urban service availability standards, and other similar incentives and disincentives which encourage a separation of urban and rural land uses. Performance standards may include emission of noise, air pollutants, odor, vibration, fire or explosive hazard, and glare. Urban service standards may include transportation system, off street parking and



loading, utilities and waste management, storm water management, tree protection, landscaping and signage.

#### 1-1.2 Objective:

*Allocating commercial development.* Commercial development shall be comprised of a wide range of business uses. The allocation of land resources shall consider the location and space requirements of commercial activities and potential fiscal and environmental impacts on the Town of Malabar.

##### 1-1.2.1 Policy:

*General considerations in locating commercial development.* The location and distribution of specific types of commercial activities shall be determined based on the following considerations.

- a. Trip generation characteristics, impact on existing and planned transportation facilities and ability to achieve a functional internal circulation and landscaped off-street parking system;
- b. Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation and floor area requirements;
- c. Compatibility with and impact on other surrounding commercial activities;
- d. Relationship to surrounding land uses and natural systems;
- e. Impact on existing and planned community services and utilities..

##### 1-1.2.2 Policy:

*General pattern of commercial land use.* In order to promote efficient flow of traffic along thoroughfares, achieve orderly development and minimize adverse impact on residential quality, commercial development shall be concentrated in strategically located areas having location characteristics which best accommodate specific land, site, public facilities and market location requirements of respective commercial uses.

### 1-1.2.3 Policy:

*Provide appropriate locations for commercial office development.* Office development shall be encouraged to locate on accessible sites near major thoroughfares and may serve as transitional uses separating more intensive commercial uses from residential development. In addition, office complexes may be compatible with multiple family units and/or institutional uses situated on strategically located sites along major thoroughfares where the sites are of sufficient size to accommodate land requirements for controlled access, effective internal circulation and off-street parking, and appropriate landscape, screening and buffering to assure stability and protection of established or anticipated future residential areas.

The Office-Institutional (OI), Multiple-Family Residential of Office (MRO), and Residential and Limited Commercial (R/LC) land use designations, as described herein, are designed to carry out the intent of this objective. Land Development Code performance standards shall require significant landscaping, screening, urban design controls.

### 1-1.3 Objective:

*Planning for industrial development.* Sufficient land shall be allocated to accommodate industrial development.

#### 1-1.3.1 Policy:

*General considerations in locating industrial development.* The allocation of land resources for industrial development shall reflect the location and space requirements of industrial activities and potential fiscal and environmental impacts on the Town of Malabar. The location and distribution of specific types of industrial activities shall be determined based on the following considerations:

- a. Trip generation characteristics, impact on existing and planned transportation systems, including dependency on rail, air, or trucking for distribution of material and goods;
- b. Anticipated employment generation, floor area requirements, and market area;

- c. Ability to meet established performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, glare, noise or odor, generation of hazardous by-products;
- d. Impact on established and planned development and natural systems;
- e. Impact on existing and planned public services, utilities, water resources, and energy resources.

1-1.3.2 Policy:

*Review of proposed Future Land Use Map amendments for industrial development.* A high priority shall be directed toward encouraging development of existing lands designed for industrial development. These lands contain rail access and are highly accessible to the U.S. 1 highway corridor. These transportation facilities provide convenient access to regional markets. Furthermore, the existing designated acreage is compatible with adjacent land uses and furthers goals, objectives, and policies of the Comprehensive Plan.

The Town shall not amend the Future Land Use Map in a manner which would promote the encroachment of industrial activities into residential areas or in a manner which would adversely impact the integrity of established development. No such Future Land Use Map amendment shall be approved unless the applicant presents requisite information needed to affirmatively address policy considerations identified in Policy 1-1.3.1 above.

Any additional industrial designation of lands on the Future Land Use Map shall generally be concentrated near the existing industrial node and shall incorporate those amenities required by respective industrial uses.

1-1.4 Objective:

*Promote community appearance, natural amenities and urban design principles.* The community appearance shall be reinforced and enhanced through application of the site plan review process.

1-1.4.1 Policy:

*Reinforce and enhance the Town's community appearance.* Major attributes shall be preserved through application of design review standards and management of signs, landscape, and tree removal or relocation. Special emphasis shall be placed on preserving and/or improving the character of major natural and man-made corridors, including the intracoastal shoreline, the scenic estuary system, and major transportation corridors which serve as a focal point for the motoring public and an inviting gateway to the visiting tourist.

1-1.4.2 Policy:

*Continue to maintain Malabar Vernacular Architecture Style.* The Town shall maintain Land Development Code regulations that require the use of the Malabar Vernacular Architectural Style in non-residential and Residential/Limited Commercial developments located along arterial roadways.

## **§1-2 Managing Future Land Use**

### **Goal 1-2**

*Future Land Use Map.* Continue to maintain and manage a Future Land Use map.

The Future Land Use Map, reflects the Town policy for managing the allocation of future land use. Land use designations on the Future Land Use map have been allocated pursuant to the goals, objectives and policies stipulated in the Comprehensive Plan; an analysis of population, housing and land resources; the need to conserve natural resources including wetlands, estuaries, floodways, flood plains, water recharge areas, fish and wildlife; consideration of capital improvement needs; conservation of fiscal resources; discouragement of urban sprawl; energy-efficient land use patterns accounting for existing and future electric power generation and transmission systems; and greenhouse gas reduction strategies.

The Future Land Use Map shall designate areas for the following uses: Rural Residential; Low Density Residential; Medium Density Residential; High Density Residential; Multiple-Family Residential or Offices; Residential and Limited Commercial; Limited Commercial; General Commercial; Industrial; Institutional; Conservation; And Open Space and Recreation land uses. This section of the Future Land Use Element shall define the nature, density and intensity of the allowable uses for each of the designations represented on the Future Land Use map. Nothing in this section shall preclude necessary community facilities from locating within any future land use designation when such activity satisfies established criteria of this plan and the Town's Code of Ordinances.

1-2.1 Objective:

*Allocating residential development.* The Future Land Use Map shall allocate residential density based on the following considerations; past and projected future population and housing trends and characteristics; provision and maintenance of quality residential environments; protection of environmentally fragile natural systems; the need to plan for smooth transition in residential densities; and provision and maintenance of traffic circulation and multiple-family improvements.

- a. In cases where land abuts the tidal waters of the Indian River and all tributaries and manmade canals thereof, the boundary of the land shall be delineated as established by State statutes (Chapter 177, Part II, Coastal Mapping), or as may be amended.
- b. No submerged land or aquatic areas waterward of the boundary above described shall be included as gross land area under this definition.
- c. No land areas proposed to be allocated to nonresidential uses shall be included under this definition, excepting contiguous areas proposed for:
  - Public of private rights-of-way;
  - Utilities under common ownership and principally supporting the residential use
  - Recreational facilities for the primary use of on-site residents; and
  - Dedications to the Town or other Town approved agencies or Town approved not-for-profit corporations.

Density is expressed in terms of a range up to a specified maximum. Where so stated as a range, the maximum density is not guaranteed by right. Subdivision, zoning and site plan review criteria and procedures shall assure that specific density assigned to new development is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include the following:

- a. Protect the integrity and stability of established residential areas;
- b. Assure smooth transition in residential densities;
- c. Require application of sound landscaping and urban design principles and practices;
- d. Protect environmentally sensitive areas;

- e. Minimize the impact of hurricane and flood hazards;
- f. Coordinate with Brevard County; and
- g. Provide equitable rights to the use of the land.

1-2.1.2 Policy:

*Rural Residential Development (RR)*. Areas delineated on the Future Land Use Map for rural residential development shall be developed and maintained as rural residential areas with a density of one and one-half (1.5) acres per dwelling unit. This designation is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lots for rural residential homesites. The areas contain few urban services and the street system is generally incapable of carrying traffic generated by urban densities. This land use policy provides land area for accommodating a unique lifestyle which cannot be accommodated in more dense residential areas. Zoning regulations shall provide standards for these areas which are designed to permit development compatible with the need for preserving a rural character and large open space systems.

1-2.1.3 Policy:

*Low Density Residential Development (LDR)*. Areas delineated on the Future Land Use Map for low density residential development shall be developed and/or maintained as residential areas with a maximum density of up to two (2) dwelling units per acre. Specific densities will be determined by such factors as natural features of the land, character of undeveloped land and surrounding development, level of accessibility, housing supply and demand, and adequacy of public facilities. Supportive community facilities and accessory land uses may be located within areas designated LDR. The Town land development regulations shall provide regulatory procedures for considering such uses.

The low density designation is established to protect the quality and character of existing stable low density single family neighborhoods, preserve open space, and encourage densities which are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities for the area.

#### 1-2.1.4 Policy:

*Medium Density Residential Development (MDR).* Areas delineated on the Future Land Use Map for medium density residential development shall be developed and/or maintained as residential neighborhoods. This designation allows for multi-family and single family structure types and maximum density of up to four (4) dwellings per acre. The medium density designation is intended to ensure sufficient land area for developments of medium density and the adequacy of existing and/or projected public facilities for the area. Supportive community facilities and accessory land uses may be located within areas designated MDR. The Town land development regulations shall provide regulatory procedures for considering such uses.

Review of specific densities of developments shall be directed toward preserving stability of established residential areas. Sites for medium density residential developments should be located so that they provide a smooth transition between lower density residential areas and areas developed and/or designated for other more intense uses.

#### 1-2.1.5 Policy:

*High Density Residential Development (HDR).* High density residential development ranges up to a maximum of six (6) units per acre. The high density policy designation is intended to primarily provide for multiple family residential development at higher densities which shall be adequately supported by public services and facilities, and maintain compatibility with the surrounding area. The specific designated for high density development shall be accessible to existing or anticipated future major thoroughfares and requisite utilities. In addition, these areas generally shall be highly accessible to commercial services. Specific density of future development proposals within these areas shall provide for smooth transition in residential density, preserve stability of established residential areas, and shall include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas.

#### 1-2.2 Objective:

*Allocating commercial development.* The Future Land Use Map shall identify the allocation of commercial land for: 1) multiple-family residential or office development; 2) limited commercial development; and 3) general commercial

activities. The allocation of land for commercial development is compatible with goals and objectives identified in the Comprehensive Plan and consistent with supportive research and analysis. The policies sated below provide an explanation of the purpose, intent and character of the commercial land use designations.

#### 1-2.2.1 Policy:

*Multiple-Family Residential or Office Development (MRO)*. The MRO policy designation is a land use classification designed to accommodate residential development, offices, and institutional uses. This policy designation is intended for sites which shall:

- Have good accessibility;
- Have potential to be serviced by a full complement of urban services;
- Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential future adjacent land uses of differing intensity;
- Accommodate only freestanding multiple-family residential structures or office buildings and shall expressly exclude general retail sales and services, warehousing, and outside storage; and
- Generally serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher density or intensity.

The density of residential development within MRO designated lands shall not exceed six (6) units per acre.

#### 1-2.2.2 Policy:

*Office-Institutional Development (OI)*. The OI policy designation is a land use designation designed to accommodate business and professional offices and institutional land uses. This policy designation is intended for sites which:

- Have accessibility to major thoroughfares;
- Have potential to be served by a full complement or urban services;



- Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential future adjacent land uses of differing intensity;
- Accommodate only office buildings and institutional land uses and shall expressly exclude general retail sales and services, warehousing, and outside storage; and
- Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.

#### 1-2.2.3 Policy:

*Limited Commercial Development (CL).* Limited commercial development is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods. Such development is intended to provide essential household services in locations highly accessible to residential areas. For instance, sites within this designation are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets: 1) neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional markets; or 2) a specialized market with customized demands. Commercial development within the limited commercial designation shall generally be restricted to any of the following uses: neighborhood convenience stores; small limited item shops and stores restricted to retail sales of convenience items and services including barber, beauty care, and other personal services; small scale drugstores, laundry and dry cleaning pick-up stations; specialty shops; small scale activities associated with a specialized facility.

Areas designated for limited commercial development are not intended to accommodate large scale retail sales, service, and trade activities, generally servicing a city-wide or regional market. Such store would usually differ from limited commercial shops since the former would usually require a larger floor area, carry a relatively larger inventory and require a substantially greater parking area. Uses, which are not intended to be accommodated within the limited commercial area, include the following: large scale discount stores; health spas, supermarkets; department stores; large scale wholesaling and warehousing activities; general sales, service

or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; fast food establishments primarily serving in disposable containers and/or providing drive-in facilities, and other similar services to be expressly defined in the zoning ordinance.

No residential uses shall be located in a CL designated area.

#### 1-2.2.4 Policy:

*General Commercial Development (CG).* The general commercial areas are designated on the Future Land Use Maps for purposes of accommodating general retail sales and services. These areas are located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements. Zoning policy shall stipulate provisions regulating specific land uses.

The areas designated for general commercial developments are specifically not adaptive to permanent residential housing and such uses shall be located in other areas designated for residential development.

#### 1-2.2.5 Policy:

*Residential and Limited Commercial Development (R/LC).* The R/LC Future Land Use Map designation is intended to accommodate and shall accommodate a mixture of land uses expressly restricted to uses allowed in the "limited commercial" designation together with uses allowed on lands designated for high density residential activities with a density no greater than six (6) units per acre. Such residential uses may be located either within a freestanding structure or within a structure housing both Residential and Limited Commercial activities. The "R/LC" FLUM designation is intended and shall be interpreted to be a "commercial" district with respect to required setbacks and other size and dimension provisions referenced by zoning district in the Town's Land Development Code.

These sites currently are characterized by a mixture of generally small scale commercial businesses together with predominantly single family residential land uses. Acres designated "R/LC" are not suitable for and shall not be developed for large scale general retail activities or other commercial activities more intense than land uses expressly provided for in the "limited commercial" Future Land Use Map designation (Reference Policy 1-2.2.3) since such development would be incompatible with existing and

anticipated future residential development within or in the vicinity of areas designated "R/LC" on the Future Land Use Map.

1-2.2.6 Policy:

*Criteria for the Residential and Limited Commercial Development R/LC Designation.* The following criteria for development within the R/LC FLUM designation shall be incorporated into the Town of Malabar Land Development Regulations:

- a. *Percent of Site for Mixed Use Development.* Within the R/LC designation where Residential and Limited Commercial activities are proposed to occupy the same site and/or the same building the following minimum and maximum percentages shall apply:
  - 1) Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one.
  - 2) Commercial use(s) shall not exceed residential dwelling unit(s) by more than one as described in the following table:
- b. *Limited Commercial Uses.* Limited Commercial uses with the R/LC FLUM designation shall have a minimum floor area of nine hundred (900) square feet and a maximum of four thousand (4,000) square feet.
- c. *Residential Uses.* Single family units shall have a maximum density of four (4) units per acre. Multiple family uses shall have a density no greater than six (6) units per acre. However, any residential site located with a high surficial aquifer area on the Atlantic Coastal Ridge and not served by central water and wastewater shall have a density no greater than two (2) units per acre.
- d. *Minimum Lot Requirements.* Lots within the R/LC FLUM designation shall have a minimum lot size of 20,000 square feet, a minimum width of 100' and a minimum depth of 150'.
- e. *Setback Requirements.* Single family units shall have setbacks of 25' in the front, 10' on the interior and street sides, and 20' in the rear. Multiple family units shall have setbacks of 50' in the front, 10' on the interior side, 20' on the street side, and 25' in the rear.

- f. *Building Height Requirements.* Any building within the R/LC FLUM designation shall have a maximum height of thirty-five (35) feet or three (3) stories.
- g. *Coverage Requirements.* Single family residential uses shall have an impervious surface ration of 50% with a minimum open space requirement of 50%. Multiple family residential uses shall have an impervious surface ratio of 65% with a minimum open space requirement of 35%. Limited commercial uses shall have a maximum floor to area ratio (FAR) of 0.20.
- h. *Buffering.* The R/LC district is intended and shall be interpreted to be a "commercial" district with respect to required buffering and other provisions referenced by zoning district in the Land Development Code.

1-2.7 Objective:

*Allocating Industrial Development (IND).* The Future Land Use Map shall allocate land resources for existing and anticipated future industrial needs and requisite support services.

1-2.7.1 Policy:

*Industrial Land Use Designation.* The allocation of industrial land use designations should provide a high priority to industry's frequent need for strategically located lands which are accessible to rail and terminal facilities, major arterials or interchanges, labor markets and necessary urban services.

Industrially designated areas are not generally adaptive to residential use and as such industrial activities shall not be located in areas designated for residential development. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. Such a use may be permitted as an accessory use through appropriate zoning procedures.

The industrial land use designation is allocated to industrial sites accessible to major thoroughfares and buffered from residential neighborhoods. Light industrial uses include: light manufacturing and assembling activities; kennels; truck or bus terminal facilities; warehousing and storage activities; and other similar land uses which might be permitted through appropriate zoning procedures excluding heavy metal fabrication, chemical or

petroleum manufacturing or refining, rubber or plastics manufacturing, or other uses generating potentially harmful nuisance impacts.

#### 1-2.8 Objective:

*Allocating Institutional Services (INS).* The Town shall set aside land sufficient to accommodate institutional land uses. For instance, approximately 25 acres of institutional land area is anticipated to be required by 2010. The Town shall monitor the need for such increased land area for institutional uses and shall assure that the institutional land use designation on the Future Land Use Map is expanded to accommodate the development of public and semi-public facilities such as government administrative buildings; fire, police and rescue services; health care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this land use designation.

##### 1-2.8.1 Policy:

*Institutional Land Use Designation.* Lands designated for institutional services shall contain sufficient acreage and open space and be properly screened and buffered in order to minimize potential adverse impacts on adjacent land uses.

#### 1-2.9 Objective:

*Allocating Open Space and Recreation (OSR).* The open space and recreation designation has been established to direct the preservation of open spaces and recreation areas, both publicly owned and privately owned, including golf courses, parks, recreation areas and similar facilities.

##### 1-2.9.1 Policy:

*Open Space and Recreation Land Use Designation.* Lands designated for open space and recreation shall be consistent with the Recreation and Open Space Element and shall reflect actions taken to implement the goals, objectives and policies of the Recreation and Open Space Element.

#### 1-2.10 Objective:

*Allocating Conservation (CON).* The conservation designation has been established to direct the preservation of publicly-owned major natural resources and environmentally sensitive corridors. The purpose of preservation is for the conservation and protection of natural resources or environmental quality. These areas may be used for wildlife management, passive recreation, and environmental restoration/preservation. These natural areas may include site improvements to support uses which are deemed appropriate and consistent with the function of the designated area.

1-2.10.1 Policy:

*Conservation Designation.* The Town shall designate lands which are deemed appropriate to conserve in order to implement natural resource conservation goals, objectives, and policies stipulated in the Comprehensive Plan. Where such designations are enacted, the Town Council shall adopt appropriate programs, policies, and/or ordinances for managing implementation of the respective conservation Future Land Use Plan designations.

1-2.10.2 Policy:

*Conservation Designation consistent with Conservation Element.* Lands designated for conservation shall be consistent with the Conservation Element and shall reflect actions taken to implement the goals, objectives and policies of the Conservation Element.

1-2.10.3 Policy:

*Designate Lands as Conservation on the Future Land Use Map.* Within two (2) years of the adoption of this plan, publicly owned lands that the Town deems appropriate for conservation shall be allocated as Conservation on the Future Land Use Map.

1-2.10.4 Policy:

*Designate Environmentally Endangered Lands as Conservation on the Future Land Use Map.* Within two (2) years of the adoption of this plan, lands that are managed by the Brevard County Environmentally Endangered Lands (EELS) program shall be allocated as Conservation on the Future Land Use Map.

1-2.10.5 Policy:

*Amend Land Development Code to create a Recreation/Open Space (RS) district.* Within one (1) year of the adoption of this plan, the Land Development Code shall be amended to create a Recreation/Open Space (RS) District. The RS District is intended to implement the open space and recreation land use and conservation land use of the Town's Comprehensive Plan by providing areas for the development of active or passive recreational facilities and the preservation of open space.

1-2.10.6 Policy:

*Implement Land Development Regulations to protect Conservation Areas.* Within one (1) year of the adoption of this element the Town shall adopt Land Development Code regulations that protect and preserve conservation space. Regulations shall include specific open space definitions and standards addressing protection of open space, natural vegetation, landscape, and signage.

1-2.10.7 Policy:

*Implement Land Development Regulations to protect lands east of US-1.* Within one (1) year of the adoption of this plan the Town shall amend the Land Development Code to further regulate the Coastal Preserve Zoning District. Land development regulations shall contain performance standards which may include setbacks, buffers, control of exotic species, stormwater management and runoff, signage, public access, and preservation of Indian River Lagoon, seagrass beds, and other estuarine resources.

1-2.11 Objective:

*Planned Unit Development.* The Town shall promote innovative development concepts including mixed use development, and shall institute development concepts including mixed use development, and shall institute procedures for resolving conflict through use of the planned unit development.

1-2.11.1 Policy:

*Planned Unit Development overlay designation.* The Town hereby establishes a planned unit development overlay designation in order to provide a voluntary management framework for coordinating objectives of developers which may require departures from established public policy.

The planned unit development overlay designation shall provide a management strategy for negotiating innovative development concepts; design amenities, and measures for protecting natural features of the land. The management process shall promote public and private coordination and cooperation. The detailed regulations, standards, and procedures for implementing the planned unit development overlay designation shall be incorporated in the land development code. Planned Unit Developments must be designed to fit into the rural residential nature of the Town.

The planned unit development overlay designation shall be available as a voluntary approach for managing specific development characteristics and project amenities to be incorporated in residential, commercial, industrial or mixed use development options. The basic development options, including principles for locating alternative land use activities shall be governed by the underlying land use designated for the site. Developers who voluntarily participate in the process shall bind themselves as well as those who may be their successors in title to the affected land.

#### 1-2.11.2 Policy:

*Reinforce and enhance the Town's rural residential atmosphere.* Within one (1) year of the adoption of this plan, the Land Development Code shall be amended to incorporate Planned Unit Development District (PUD) standards and specifications that maintain and enhance the profile and rural atmosphere of the Town. Standard and Specifications may include Malabar Vernacular architectural styles and detailing, garage and facades, signage, parking, landscaping, street access and circulation, and open space.

#### 1-2.12 Objective:

*School Siting.* The Future Land Use Map shall accommodate schools within all land use designations at locations that minimize impacts to adjacent residential land use, that provide safe and efficient access to school sites, that create compatibility with adjacent residential land uses, that comply with all provisions of the Comprehensive Plan and Land Development Code, and shall be implemented through the following policies:



1-2.12.1 Policy:

*School Site Locations: Site Compatibility.* School sites shall be located and developed pursuant to plans that preserve land use compatibility.

Compatibility determinations shall be undertaken to ensure that school sites are compatible with present and projected uses of adjacent property and that site plans reinforce long term compatibility. Land use compatibility shall require avoidance or successful mitigation of adverse impacts of noise and any spill over of outdoor lighting onto residential property in excess of best management principles and industry standards; shall accommodate safe and convenient internal circulation and queuing of vehicles, as well as off-street parking area design that avoids headlight illumination into adjacent residential properties, and shall require successful mitigation of the adverse impacts generated by outside unenclosed activity areas such as playgrounds and field sports areas.

1-2.12.2 Policy:

*School Site Locations: School Site Size.* The sites shall be consistent with recommended State standards for public schools.

1-2.12.3 Policy:

*School Site Locations: Compliance with Town of Malabar Comprehensive Plan and Concurrency Requirements.* All school sites shall be served by adequate public facilities and services required to support elementary, middle, junior high, and senior high schools, including but not limited to, public potable water and sanitary sewer systems, stormwater management facilities, and fire, police, and medical services as well as sidewalks and paved roads with convenient and safe access that create direct linkage to a major collector or arterial street. The developed school site shall meet all concurrency management level of service requirements of the Town. The site plans shall comply with applicable public school facility elements and school facility concurrency requirements as mandated by State law.

- a. Elementary School. A minimum of four (4) acres for the first two hundred (200) student capacity plus one (1) acre for each additional one hundred (100) students.

- b. Middle or Junior High School. A minimum of six (6) acres for the first three hundred (300) student capacity plus one (1) acre for each additional one hundred (100) students.
- c. Senior High School. A minimum of seven (7) acres for the first three hundred (300) student capacity plus one (1) acre for each additional fifty (50) students up to one thousand (1,000) students thereafter.
- d. Minimum site size may be adjusted for sites on which co-location of facilities are proposed or on sites characterized by development of multi-story facilities designed to achieve advantages of cluster design techniques consistent with best management principles and practices.

1-2.12.4 Policy:

*School Site Locations: Future Land Use Map Designations for Schools.* School sites should be located on sites that can be focal points for community activities and should incorporate innovative urban design, including opportunities for shared use and co-location with other community facilities. All school facility applications for site plan approval or other required land use approvals must comply with the Town of Malabar Comprehensive Plan and Land Development Regulations.

- a. Elementary schools should be within walking distance of residential neighborhoods served and the elementary school sites shall provide safe and convenient direct or indirect access to major collector or arterial roads and such sites may be selected within any future land use designations delineated on the Future Land Use Map.
- b. Middle, Junior High and Senior High Schools shall be located on the periphery of residential neighborhoods and the school sites shall have direct access to major collector or arterial streets and such sites may be selected within any future land use designations delineated on the Future Land Use Map.

1-2.12.5 Policy:

*School Site Locations: Protect Natural Resources and Avoid Encroachment into Environmentally Fragile Systems.* School facilities shall not be located within wetlands, the 100-year floodplain, or threatened or endangered flora

or fauna habitats. School facilities shall be planned and developed in a manner approved by all federal, state, and local agencies having jurisdiction over such natural resources, including applicable buffer standards. School sites shall be well drained and the soils shall not impose severe constraints to intensive development.

1-2.12.6 Policy:

*School Site Locations: Protect Archaeologically and Historically Significant Sites.* School sites shall not adversely impact an archaeologically or historically significant site listed in the National Register of Historic Places or the State list of historically or archaeologically significant sites, or listed by the Town of Malabar as an historically or archaeologically significant site and which would be adversely impacted by development of a school facility.

1-2.12.7 Policy:

*School Site Locations: Locate Outside of Airport Approach Zones and High Impact Noise Contours.* School site locations shall be compliant with Section 333.03, F.S., which addresses in part the construction of educational facilities in the vicinity of an airport approach zone or high impact noise contour.

1-2.12.8 Policy:

*School Site Locations: Encourage Co-Location of Public Facilities with Complementary Functions.* School site selection shall encourage co-location of public facilities with complementary functions. Site selection should be coordinated with the Town of Malabar and Brevard County in order to enhance opportunities for such co-location and to ensure that the site selection process considers the spatial needs of not only the school plant but also the spatial needs of other potential joint users of the site. To maximize use of public facilities in the Town of Malabar, the Town shall encourage co-location of public schools with public facilities, having complementary functions such as parks, libraries, and appropriate children's service facilities where feasible, practical, safe and beneficial to the Town and the School Board.

1-2.12.9 Policy:

*Siting of Private School Sites.* The intent and purpose of public and private schools is to provide an organized system of education to a student population. Although the age of the student population served and the program orientation of educational facilities may differ widely, both public and private school facilities generate potential land use compatibility issues previously identified in Policies 1-2.12.1 through 1-2.12.8.

School siting criteria is required by State law for public schools. However, the land use compatibility issues documented herein shall be implemented in the site plan review process for both public and private schools. Private schools shall be accommodated within all land use designations. Minimum site size for any private school facility shall be determined on a case by case basis based on best management principles and practices. The minimum size shall be directly related to land and facility spatial requirements for the educational activity, size of near and long-term clientele, character and intensity of activity areas, nature of outdoor activities and facilities, and other characteristics of the proposed private facility.

1-2.12.10 Policy:

*Amend the Land Development Code to Implement the School Siting Policies.* The Town shall amend Table 1-3.2 within §1-3.2, Town of Malabar Land Development Code, which currently only allows educational institutions as a conditional use within the Office/Institutional (OI) or Institutional (INS) zoning districts. The amendment shall implement the recommended school siting policies stated in Policies 1-2.12.1 through 1-2.12.8.

1-2-13 Objective:

*Malabar Road as a local corridor.* The Town shall evaluate the development of Malabar Road as a local corridor.

1-2.2.13.1 Policy:

*Malabar Road Corridor Plan.* The Town shall pursue a corridor plan for Malabar that incorporates the following objectives; incorporates low density office and commercial uses; promotes economic development; provides additional services to the Town; remains true to the spirit and rural atmosphere of the Town; and enhances and improves traffic operations and mobility along Malabar Road.

1-2.13.2 Policy:

*Access Management.* The "Malabar Road Corridor Plan" shall include an Access Management Plan to address right of way limitations.

1-2.13.3 Policy:

*Overlay Zoning District.* The Land Development Code shall be amended to incorporate overlay zoning district regulatory provisions and performance standards. The provisions may include permitted land uses, densities, design standards, signage, and required improvements along the corridor.

### **§1-3 Land Use Element Implementation**

#### **Goal 1-3**

*Implementing Land Use Goals and Objectives.* Continue to monitor and evaluate development and resource conservation within the Town pursuant to goals and objectives of the comprehensive plan Land Use Element and carry an effective implementation program as herein established.

1-3.1 Objective:

*Manage and coordinate future land use decisions.* Management of land and physical improvements identified on the Future Land Use Map will be coordinated with natural systems, including topography, soils conditions, vegetation, natural habitat, potable water wellfields, and other environmentally sensitive land and water resources. Land use shall also be predicated on availability of man-made infrastructure and service systems required to support land use activities.

1-3.1.1 Policy:

*Future Land Use Map and related policies.* The Future Land Use Map and related policies provide definitions of land use designations and qualitative standards which shall be applied in allocating future land uses.

1-3.1.2 Policy:

*Resolving public service concurrency issues surrounding new development.* Pursuant to Chapter 163.F.S., and S9J-5, F.A.C., the Town of Malabar shall issue no development order for new development which would result in an increase in demand on deficient facilities prior to completion of improvements needed to bring the respective facility up to standard. Pursuant to 9J5.006(3)(c)3] the Town shall encourage and direct development to areas where public facilities and services are available or are projected to be.

#### 1-3.1.3 Policy:

In order to implement concurrency management for proposed new residential or nonresidential development, any required improvements to meet concurrency, as determined by Town Staff, shall include a detailed schedule for construction and completion. Should development or facility improvements fail to begin or be completed in accordance with the development order or permit, then all outstanding approvals of the development shall expire, Amendments or changes to time schedules shall be permitted but must be approved by the body granting the original approval.

#### 1-3.1.4 Policy:

In order to implement concurrency management, the Town shall require that all proposed non-residential developments and/or proposed residential developments that require a comprehensive plan amendment and/or zoning code amendment, whichever occurs first, shall at the time the subject application for amendment is filed, submit information which demonstrates that all urban services needed by the proposed development can and will be provided concurrent with the new development.

In order to establish an orderly review process, the Town shall refine the Land Development Code by stipulating specific narrative and/or graphic data and information required at the time a comprehensive plan amendment or zoning code amendment is filed with the Town. As a minimum, the information shall include the following:

- The specific land use(s) and the proposed density and/or intensity of the use(s);

- Estimated trips per day generated by the proposed land use(s) together with anticipated on-and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, and other similar improvements.
- Anticipated wastewater generation together with anticipated improvements for collecting and treating the same;
- Potable water demands together with proposed stormwater run-off and demonstrated evidence proposed drainage improvements shall accommodate stormwater run-off without adversely impacting actual systems;
- In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the Town's adopted level of services for recreation shall not be adversely impacted;
- Projected demand generated by the development on the solid waste disposal system and assurances that the Town's adopted level of service for solid waste disposal shall not be adversely impacted;
- Potential to increase the prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.)
- Other information which the Town determines is necessary to assure that the concurrency requirement shall be satisfied without adversely impacting existing levels of service of the Town's ability to adequately service participated development which is consistent with the adopted plans and policies of the Town.

All such information submitted pursuant to this subsection shall incorporate proposed funding sources, including any identification of improvements which the applicant anticipates shall be funded by the Town or other public entity.

#### 1-3.1.5 Policy:

The Town will discourage and assess potential for urban sprawl in formal review of development proposals utilizing criteria in Rule 9J-5.006(5)(g). F.A.C.

1-3.1.6 Policy:

*Land development regulations.* Existing regulations governing zoning; subdivision; signage; landscaping and tree protection; flood plain management; water conservation; sewers and sewage disposal; streets and sidewalks; parks, playgrounds and recreation; health and sanitation; fire prevention and protection; building and electrical codes; excavation and erosion; and other land and water management regulations shall be revised and/or updated as needed in order to: 1) effectively regulate future land use activities and resources identified on the Future Land Use Map; and 2) implement the goals, objectives and policies stipulated in the Comprehensive Plan. These ordinances shall be incorporated into a land development code pursuant to Chapter 163.3202, F.S., and shall contain specific detailed provisions which as a minimum:

- a. Regulate the subdivision of land;
- b. Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;
- c. Protect the environmentally sensitive lands designated in the Comprehensive Plan;
- d. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
- e. Protect potable water wellfields and aquifer recharge areas;
- f. Regulate signage;
- g. Ensure safe and convenient onsite traffic flow and vehicle parking needs, and;
- h. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the impacted public facilities below the level of service standards which shall be adopted by the Town Council.

1-3.1.7 Policy:

*Standards for residential density.* Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent



with the following standards for residential densities as indicated below and as elaborated in §4-2; Policy 1.1(1-5), herein:

- a. Rural residential density – a maximum density of up to one and one-half (1.5) gross acres per residential unit.
- b. Low density residential – a maximum density of up to two (2) residential units per gross acre.
- c. Medium density residential – a maximum density of up to four (4) residential units per gross acre.
- d. High density residential – a maximum density of up to six (6) residential units per gross acre.

1-3.1.8 Policy:

*Non-residential development standards.* Land development regulations shall be adopted which address the location and extent of non-residential land uses in accordance with the Future Land Use Map and the policies and descriptions of types, sizes, and intensities of land uses contained in this Element.

1-3.1.9 Policy:

The Town shall regulate intensity of non-residential land uses as noted in the below Table.

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1-3.1.10 Policy:

*Performance standards.* Land development regulations shall contain performance standards which;

- a. Provide criteria for protecting wetlands;
- b. Establish buffering and open space requirements;
- c. Provide criteria for protection of potable water wellfields;
- d. Provide criteria for drainage and stormwater management;
- e. Incorporate criteria for requiring off-street parking and managing internal traffic circulation as well as access to and egress from the street system;
- f. Mandate availability of requisite services and infrastructure;

- g. Stipulate criteria for screening and buffering land uses and facilities which may otherwise adversely impact development of adjacent land use;
- h. Establish standards for erosion control;
- i. Address historically significant properties meriting protection.

1-3.2 Objective:

*Encourage redevelopment and renewal: Manage future redevelopment of declining areas.* Although the Town currently has no blighted or declining areas, the Town has designated Malabar Road and US-1 as target areas for redevelopment. The Town shall coordinate public and private resources necessary to initiate needed improvements and/or redevelopment within currently defined redevelopment areas as well as areas that may in the future exhibit indications of blight or decline.

1-3.2.1 Policy:

*Code enforcement activities.* Code enforcement activities shall be continued as an integral part of the Town's regulation programs. The code enforcement program shall preserve and protect structurally sound land improvements and land uses consistent with the Comprehensive Plan.

1-3.2.2 Policy:

In order to discourage blight, the Town shall increase emphasis on nuisance abatement to improve neighborhood quality of life. The Town shall routinely review and update existing nuisance abatement codes.

1-3.2.3 Policy:

*Public and private sector partnerships.* If redevelopment issues materialize, the Town shall coordinate with the private sector in promoting mobilization of public and private resource necessary to effectively carry out redevelopment efforts.

1-3.2.4 Policy:

*Malabar Road Corridor Plan.* The Town shall pursue a corridor plan that promotes economic development, pedestrian connectivity, and a good urban design along Malabar Road.

1-3.3 Objective:

*Prevent land use inconsistent with Town's character.* Future land uses shall be consistent with the Town's character, the Future Land Use Map, and other applicable laws, ordinances, and administrative rules impacting land and water resources. Similarly, if improvements are proposed to an existing structure which does not comply with such provisions governing setbacks, size dimensions, height, density, or other location criteria, then: 1) in no case shall any existing non-compliance be increased; and 2) the existing non-compliance shall be eliminated or reduced to the greatest reasonable and practical extent.

1-3.3.1 Policy:

*Managing future land use.* The Future Land Use Map and related policies together with the Land Development Code shall be applied as a planning and management device in order to prevent development of land uses which do not conform to the Town's character as reflected in the Town's adopted Future Land Use Map, Zoning Map, and other applicable laws, ordinances, and administrative rules.

1-3.3.2 Policy:

*Managing improvements to existing non-complying structures.* The Land Development Code shall provide standards regulating improvements to existing non-complying structures and such standards shall require compliance and/or mitigation to the greatest reasonable and practical extent.

1-3.4 Objective:

*Protection of archaeological and historic resources.* Land development and conservation activities shall insure protection of archaeological and/or historic resources.

1-3.4.1 Policy:

*Programming for archaeological and historic sites.* The Town shall coordinate with the State in developing appropriate programs for implementing Town and State policies for identifying, preserving, and enhancing sites of historical and archaeological significance. Programs for identification, evaluation of relative significance, protection, preservation, and enhancement shall be promoted utilizing available public resources at the local, State, and Federal level as well as available private sector resources.

1-3.4.2 Policy:

*Preventing adverse impact of development on historic or archaeological sites.* Development activities shall include precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance: 1) destruction or alteration of all or part of such a site; 2) isolation from or significant alteration to its surrounding; 3) introduction of visible, audible, or atmospheric elements that are out of character with the property or significantly alter its setting; 4) transfer or sale of a site of significance without adequate conditions or restrictions regarding preservation, maintenance, or use; and 5) other forms of neglect resulting in its deterioration.

1-3.4.3 Policy:

*Amend Land Development Code.* Within one (1) year of the adoption of this plan, the Town shall amend the Land Development Code regulations that preserve and conserve historic or archaeological sites of significance; Protect and encourage the revitalization of historic or archaeological sites of significance; Protect such archaeological and historic sites to combat urban blight, promote tourism, foster civic pride, and maintain physical evidence of the town's heritage; and Encourage and promote restoration, preservation, rehabilitation and reuse of archaeological and historic sites by providing technical assistance, investment incentives, and facilitating the development review process.

1-3.5 Objective:

*Protection of natural resources.* Development and conservation activities shall assure the protection of natural resources.

1-3.5.1 Policy:

*Future Land development regulations for environmentally sensitive lands.* Policies in Chapter 5 and 6 for managing environmentally sensitive estuarine and upland areas shall be applied in protecting natural systems.

1-3.5.2 Policy:

*Incorporate land development regulations for environmentally sensitive estuarine and upland areas.* The Town shall amend the Land Development Code to further regulate the Coastal Preserve Zoning District. Land development regulations shall preserve and protect the Indian River Lagoon, sea grassbeds and other estuarine resources, natural drainage and recharge areas, and native vegetation from potentially adverse impacts of development. The Code shall contain performance standards which may include setbacks, buffers, control of exotic species, stormwater management and runoff, signage, public access, and preservation of Indian River Lagoon, seagrass beds, and other estuarine resources.

1-3.5.3 Policy:

*Intergovernmental coordination and natural resource management.* The Town shall coordinate with the State, the St. John's River Water Management District, the East Central Florida Regional Planning Council, the Marine Resources Council of East Central Florida, Brevard County, and other agencies concerned with managing the Indian River Lagoon as well as environmentally sensitive coastal uplands. Such intergovernmental coordinating activities shall be directed toward protecting the values and functions of the coastal marsh and submerged lands.

1-3.5.4 Policy:

*Protecting flora and fauna having special status.* The habitat of rare and endangered species of flora and fauna and others having special status as identified in the Conservation Element shall be protected.

1-3.5.5 Policy:

*Managing stormwater run-off.* The developer/owner of any site shall be responsible for managing on-site run-off.

1-3.5.6 Policy:

*Conservation of potable water supply.* The potable water supply shall be conserved by enforcing potable water standards to be developed as part of the Land Development Code.

1-3.6 Objective:

*Coordinating coastal area population densities.* Coastal area population densities shall be coordinated with the Brevard County Peacetime Emergency Plan, Disaster Evacuation Plan (as exists or as hereinafter may be amended) and shall also be consistent with applicable regional hurricane evacuation plans.

1-3.6.1 Policy:

*Continuing review of population densities.* The Town shall coordinate with Brevard County in order to assure continued compliance with the County disaster evacuation plan (referenced above). In addition, the Town shall coordinate with Brevard County in order to remain responsive to issues which may impact County hurricane evacuation plans, including issues surrounding planned State improvements to S.R. 514.

1-3.7 Objective:

*Minimize impacts on Indian River Lagoon.* The Town shall allow the expansion of existing facilities which will have minimum impact on the Indian River Lagoon system and to discourage their location in inappropriate areas.

1-3.7.1 Policy:

*Strategic placement of infrastructure.* Infrastructure shall be located in areas where maximum physical advantage exists, where the least dredging and maintenance are required, and where adequate

resources will not be adversely affected subject to State and Federal regulations.

1-3.7.2 Policy:

*Water quality.* Present and future facilities along the Indian River Lagoon shall not degrade water quality in the estuaries of the region per State and Federal regulations. [9J-5.012(3)(c)(8 and 13)]

1-3.7.3 Policy:

*Utilization of existing facilities.* Expansion of facilities along the Indian River Lagoon, where environmentally feasible, rather than construction of new facilities, shall be encouraged. [9J-5.012(3)(c)(8 and 14)]

1-3.8 Objective:

*Consistency with the State Aquatic Preserve Plan for the Indian River Lagoon.* Resource planning and management activities shall be coordinated with the State Aquatic Preserve Management Plan for the Indian River Lagoon.

1-3.8.1 Policy:

*Indian River Lagoon Aquatic Preserve Plan.* The Town shall coordinate with appropriate County, regional, and State agencies in managing development and resource conservation issues impacting the Indian River Lagoon Aquatic Preserve.

1-3.9 Objective:

*Coordinate timing and staging of public and private development.* The location, scale, timing, and design of development shall be coordinated with public facilities and services in order to promote cost effective land development patterns and direct future development only to those areas where provision of public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.

1-3.9.1 Policy:

*Development orders and permitting process.* Development orders and permits for all future development shall be timed and staged to assure that requisite infrastructure and services are available to respective developments concurrent with the impacts of development.

1-3.9.2 Policy:

*Design of public facilities and utilities.* Public facilities and utilities shall be located and designed to: 1) maximize the efficiency of services provided; 2) minimize related costs; and 3) minimize adverse impacts on natural systems.

1-3.9.3 Policy:

*Developments not served by public water and/or wastewater systems.* All developments in areas not serviced by public water and/or wastewater systems shall be governed by applicable State laws and administrative regulations.

1-3.9.4 Policy:

*Accommodating requisite infrastructure.* During the subdivision review, site plan review, and permitting processes the Town shall insure that respective future developments allocate sufficient land area for infrastructure required to support proposed development.

1-3.10 Objective:

*Consider application of innovative land and water resource management concepts.* Monitor state-of-the-art concepts for managing land and water resources and land development regulations which are responsive to unique development and conservation issues confronted by the Town.

1-3.10.1 Policy:

*Incorporate innovative techniques in the land development regulations.* The Town's land development regulations shall



incorporate land and water resource management techniques which have been demonstrated to be successful and cost effective in resolving development and conservation issues.

1-3.11 Objective:

*Intergovernmental coordination.* The Town shall coordinate land and water resource management issues with other applicable public agencies at all levels of government pursuant to the Intergovernmental Coordination Element.

1-3.11.1 Policy:

*Implementing intergovernmental coordination.* The Town shall require that development applications be coordinated, as appropriate, with the City of Palm Bay, Town of Grant-Valkaria, Brevard County, special districts, the East Coast Regional Planning Council, the St John's River Water Management District, as well as State and Federal agencies prior to issuance of a development order or permit.

1-3.12 Objective:

*Continuing land use programs.* The Town shall implement land use goals and objectives by carrying out a continuing program of land use activities below cited.

1-3.12.1 Policy:

*Land use information system.* Maintain and periodically update the land use information system.

1-3.12.2 Policy:

*Land use trends.* Monitor and evaluate population and land use trends.

1-3.12.3 Policy:

*Fiscal management.* Implement fiscal management policies of the capital improvement program and budget.

1-3.12.4 Policy:

*Administer land use controls.* Administer adopted land use controls, including the zoning code, subdivision regulations, building regulations, electrical code, flood drainage prevention regulations, housing code, water and sewer codes, traffic regulations, fire code, and regulations governing streets and sidewalks.

1-3.12.5 Policy:

*Public assistance.* Provide continuing land use information and assistance to the public.

1-3.12.6 Policy:

*Intergovernmental coordination.* Coordinate land development issues where applicable with other public agencies at all levels of government pursuant to the Intergovernmental Coordination Element of this plan.

1-3.12.7 Policy:

*Manage current developmental impacts.* Evaluate and manage impacts of proposed development pursuant to existing ordinances, including but not limited to, public facilities, natural environment, and impact on stable residential neighborhoods.

1-3.12.8 Policy:

*Urban design and community appearance.* Good principles of urban design shall be applied through site plan review procedures in order to enhance general community appearance as well as to preserve and enhance open space landscape. This program shall assist in protecting major natural and manmade resources within the Town, including such scenic natural resources as the Indian River Lagoon, and tributaries of Turkey Creek and Goat Creek, as well as developing residential neighborhoods or centers of commercial or institutional activity.

1-3.12.9 Policy:

*Special land use studies.* In order to maintain land use policies responsive to changing conditions, problems, and issues, the Town shall undertake special studies as needed to develop specific local strategies for resolving unanticipated land use problems and issues.

1-3.13 Objective:

*Continuing evaluation of Land Use Element effectiveness.* The Town shall use the following policies as criteria in evaluating the effectiveness of the Land Use Element.

1-3.13.1 Policy:

*Review the impact of change indicators on land use policy.* Major shifts in the magnitude, distribution, and characteristics of population and land use shall serve as indicators of possible changes in land use needs. The policy implications of major shifts in land use characteristics shall be evaluated on a continuing basis. Land use policy shall be refined as needed in order to remain responsive to evolving problems and issues.

1-3.13.2 Policy:

*Schedule, budget and implement programmed activities.* The timely scheduling, programming, budgeting and implementation of programmed land use activities identified in this Element shall be evidence of the Town's effectiveness in carrying out a systematic program for implementing adopted land use goals, objectives and policies.

1-3.13.3 Policy:

*Coordinate with public and private sectors.* While continually implementing and evaluating the Land Use Element, the Town shall maintain a process of intergovernmental coordination as well as coordination with private sector groups interested in land use policy and programs. The effectiveness of this approach shall be evaluated by the success of coordination mechanisms in resolving land use problems and issues.

1-3.13.4 Policy:

*Achieve effective resolution of land use goals, objectives, and policies.* The effectiveness of the Land Use Element shall be measured by the Town's success in achieving land use goals, objectives, and policies. The Land Use Element incorporates a systematic planning process for identifying land use problems and issues implementing corrective actions.

**APPENDIX 1A FLORIDA MASTER SITE PLAN**

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# CHAPTER TWO

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## TRANSPORTATION ELEMENT

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### INTRODUCTION

As per Rule 9J-5.019, of the Florida Administration Code, every local government which has all or part of its jurisdiction included within an urbanized area of the Metropolitan Planning Organization (MPO), must prepare and adopt a transportation element consistent with the provisions of this rule and Chapter 163 of the Florida Statutes.

### PURPOSE

The purpose of the Transportation Element is to plan for an efficient, safe, and coordinated multimodal transportation system within the Town of Malabar. This Element is developed in coordination with Brevard County's Transportation Element, the Space Coast Metropolitan Planning Organization (MPO)'s Long Range Transportation Plan (LRTP), and the Florida Department of Transportation (FDOT). The Transportation Element consists of two main sections as follows: a) Data, Inventory and Analysis Report, and b) the Goals, Objectives, and Policies, which set the overall guidelines for transportation planning within the Town.

### REGIONAL CONTEXT

#### Socioeconomic, Political and Cultural Factors

Malabar is a small rural town located along Indian River, extending in some sections to I-95. Incorporated in 1962, Malabar now has an estimated population of 2,866, according to 2017 census data, and a land area of approximately 6,372 acres. The Town is mostly a rural-oriented community with predominantly low-density single-family housing throughout the Town, with Light Commercial, Office-Institutional, Mixed-use, Industrial and Commercial areas along or adjacent to major arterials such as Babcock Street, US Highway 1 and SR514/Malabar Road. The Rural Residential Land Use and Zoning Designation permits both large lot residential development and agricultural uses. Many areas within Malabar are covered by swamp and wetlands under the jurisdiction of outside agencies and not suitable for development. There are also approximately 1000 acres of Conservation Land under the jurisdiction of the State and/or County.

### DATA, INVENTORY, AND ANALYSIS

This data, inventory, and analysis section provides a comprehensive approach of the Town of Malabar's existing and future needs. For the future analysis, the planning horizon Year 2025 has been used consistent with Brevard County's Long-Range Transportation Plan and Comprehensive plan. The Data, Inventory and Analysis section includes the following:

- An analysis of the existing conditions, existing roadway system, existing and remaining capacities, existing land use, existing challenges facing the roadway system, existing transit facilities;
- Growth trends and travel patterns, including the relationships between land use and transportation systems;
- An analysis of the capital improvements planned by the Town of Malabar, Brevard County and the Florida Department of Transportation;
- Projected transportation system level of service;
- An assessment of future needs and funding resources;

The Data, Inventory and Analysis includes two main subsections:

- Existing Transportation System and Transportation Needs Analysis
- System (2045) and Future Transportation Needs Analysis

## EXISTING TRANSPORTATION SYSTEM AND TRANSPORTATION NEEDS ANALYSIS

For the Transportation Element, Rule 9J-5.019 requires an analysis of the existing transportation facilities and an evaluation of the existing system needs based on the existing conditions and existing land use analysis. For this purpose, all the transportation facilities were analyzed based on the collected data and information obtained from Brevard County and the Space Coast Brevard County MPO. This Element is consistent with the Future Land Use Element, Coastal Element, MPO Long Range Transportation Plan (LRTP) and Brevard County's Comprehensive Plan.

### EXISTING TRANSPORTATION FACILITIES

The *Florida Intrastate Highway System (FIHS)*, was created in 1990 by the Florida Statutes, and is composed of a series of interconnected limited and controlled access roadways, including the Interstate Highways, the Florida Turnpike, selected urban expressways and major arterial highways. I-95, an Intrastate Highway, passes through the Town of Malabar.

The *Strategic Intermodal System (SIS)* consists of statewide system of high priority facilities including major interregional highways, airports, deepwater seaports, freight rail terminals, passenger rail and bus terminals, rail corridors, and waterways. In the Town of Malabar, I-95 is a **Designated SIS** corridor.

The existing transportation system in the Town consists of the existing roadway system, pedestrian network, sidewalks, transit system, waterways, port and FEC railroad corridor. The Town of Malabar does not have its own airport within Town limits, although, there is an international airport in the City of Melbourne known as the Melbourne International Airport, which is located north of the Town of Malabar and identified as **Emerging SIS** facility. There is no port within Malabar, but the County has the second busiest cruise port known as Port Canaveral, which is a **Designated SIS Seaport Hub**.

## RAIL

Heavy rail freight service in Brevard County is provided by the Florida East Coast (FEC) Railroad. It serves the east coast of Florida from Jacksonville to Miami. The important role of freight transportation is very vital to maintain the mobility and economic growth within the area. FEC is a **Designated SIS** facility in Brevard County. Brightline, a high speed passenger rail system on its own tracks is being developed between Orlando International Airport and the Miami International Airport. The portion between Miami and West Palm beach is already in service. The proposed tracks will be placed west of the existing FEC tracks and provide an estimated 16 daily north-bound and 16 south-bound trips of non-stop high-speed passenger rail service with speeds estimated of 119 mph through Malabar. No railroad spurs are planned for Malabar.

## WATERWAYS

The Atlantic Intracoastal Waterway runs along the eastern edge of Brevard County via Indian River Lagoon. The Atlantic Intracoastal Waterway provides navigation along the southeastern seaboard of the United States, extending from Norfolk, Virginia to Miami, Florida. The channel is maintained at a depth of 12 feet by federal government. The Intracoastal Waterway is maintained by the U.S. Army Corps of Engineers. Because of its relationship to seaports, the Intracoastal Waterways are identified as a **Designated SIS** facility in the region.

**Map TRN-1** shows existing transportation system within the Town of Malabar.

**Map TRN-2** shows existing major roadways within the Town by number of through lanes.

**Map TRN-3** shows the functional classification of roadways within the Town.

## FUNCTIONAL CLASSIFICATION

The Town of Malabar has local and county roadways and state highways within the Town. The roadways are classified based on the purpose they serve, speed of travel, access needs and mobility needs. The classification is consistent with Brevard County and FDOT District V Federal Functional Classification and Urban Boundaries.

The major thoroughfares, categorized into four functional classification groups common to rural and urban roads, are the principal arterials, collectors, and local streets. The rural



or urban designation is part of the complete functional classification based on population. A description of each type of road is described as follows:

### ***Major Arterial Road***

This roadway provides service primarily through high speed and high-volume traffic. Major Arterials usually provide service that is relatively continuous and for longer trip lengths. Typical principal arterials include interstates, freeways, highways and other limited access facilities.

### ***Minor Arterial Road***

This type of roadway focuses on through traffic similar to a major arterial, but provides greater land access, and distributes traffic to smaller geographic areas than the major arterials.

### ***Collector Street***

This roadway provides both land access and traffic circulation between arterials and local roads for moderate trip length at moderate speeds. Conversely, a collector street system transitions vehicular traffic from local streets onto the arterial system. The Town of Malabar further distinguishes minor and major collector streets.

### ***Local Street***

This roadway permits direct access to abutting property and connections to a higher order roadway. A local street provides service to low-volume and short average trip length or minimal through traffic movements. The operational and maintenance responsibility of the local streets falls under the jurisdiction of the Town of Malabar.

### **Existing Roadways**

The Town of Malabar has local and county roadways and state highways within the Town. The majority Most of local roadways are unpaved, dead-end lanes; while the Minor and Major Collectors, State Roads and County collectors are paved roadways. There are many platted, but unimproved, rights-of-ways and it is the Town's directive to require the developer to improve those roadways before development may occur.

The major roadways within the Town are listed below:

### **I-95**

I-95, an interstate highway, designated SIS facility, runs north south and passes through the southwest portion of the Town of Malabar. The portion of I-95 which passes through the Town is classified as Urban Principal Arterial-Interstate, however I-95 serves as Rural Principal Arterial south of the Town limit. Improvements on I-95 have been completed as approved in the FDOT's Five Year Work Program.

## **US-1**

US-1 is also SR5 and is the primary north-south State highway which passes through the Town of Malabar's eastern boundary and serves as an Urban Principal Arterial on the State highway system. US-1 connects Malabar with Palm Bay, Melbourne and Grant-Valkaria.

## **SR 514/Malabar Road**

SR514/Malabar Road is an Urban Minor Arterial connecting the Town with the City of Palm Bay. Malabar Road, a two-lane facility, runs east west and connects I-95, WR-507/Babcock Street, and US-1. FDOT completed numerous feasibility studies and preliminary design and engineering (PD&E) studies from 1987 through 2018 for widening of Malabar Road in 2040 Ø8. Roadway improvements are planned on the corridor in Space Coast MPO's Long Range Transportation Plan under two projects; widening and intersection improvements. Acquisition funds for needed right-of-way for the intersection improvements has been allocated and work has begun in this area. Construction and design funds have not yet been allocated for the widening project.

## **SR 507/Babcock Street**

SR 507/Babcock Street runs north-south along the western edge of the Town of Malabar and connects Brevard County with Indian River County. SR-507/Babcock Street connects the Town of Malabar with the Town of Grant-Valkaria, the City of Palm Bay and the City of Melbourne. SR 507/Babcock Street is classified as an Urban Minor Arterial from south of Malabar Road to Valkaria Road and then converts into Urban Principal arterial north of Malabar Road. However, SR-507/Babcock Street is classified as Urban Collector south of Valkaria Road. Roadway improvements are planned on the corridor in FDOT's Five Year Work Program and Space Coast MPO Long Range Transportation Plan. The small portion of Babcock Street within the Town is a two-lane facility but is planned to be widened to four lanes in the MPO's 2025 Long Range Transportation Plan.

## **Corey Road**

This two-lane paved roadway is centrally located and runs north-south in the center of Town. Corey Road serves as Major Collector south of Malabar Road to Valkaria Road. Corey Road is also a paved two-lane roadway north of Malabar Road for a distance of 1800 feet and dead-ends at the 100-acre Richard E. Cameron Sr. and Volunteers Wilderness Preserve making connection to Port Malabar Blvd in Palm Bay impossible.

## **Weber Road**

This two-lane paved roadway is parallel to and west of Corey Road by one mile, runs north-south and is classified as Major Collector south of Malabar Road to Valkaria Road. There is no right of way ability for this road to be developed north of Malabar Road.

### **Valkaria Road**

Valkaria Road serves as Major Collector and runs east-west between SR-507/Babcock Street and US-1. Only a very small portion of Valkaria Road lies within the Town and is used to access Leghorn Lane.

### **Marie Street**

The Marie Street corridor generally extends from approximately 970 feet north of Johnston Avenue south to Malabar Road and should be re-classified as a Minor Collector due to the lack of right-of-way north of that point.

Marie Street right-of-way proceeds south of Malabar Road to a point 850-feet past Hall Road. It was originally intended to be a Major Collector to connect to Leghorn Lane and reach Valkaria Road to the south. Difficulties with wetland issues, conservation dedications and lack of right-of-way to the south have all contributed to Marie Street being used as a Minor Collector instead of a Major Collector.

### **Jordan Boulevard**

Jordan Boulevard runs east west in the southeast section of the Town and its right-of-way lines up with Atz Road. It was classified as a major collector for this reason. When the Industrial Land Use designation was made for the acreage off of Jordan Boulevard to provide for an industrial park, Council directed that Jordan Boulevard should not be improved to Atz Road due to concern that commercial traffic would be brought through the Rural Residential area. The Town still owns the 100-foot wide right-of-way through this area which was subsequently bought by the State for conservation land and the Jordan Boulevard right-of-way has been fenced off. The Town intends to improve this right-of-way for emergency access only. Part of this Jordan Boulevard right-of-way is currently used for trail access into the Jordan Scrub Sanctuary. This roadway should be changed to a Minor Collector.

### **Minor Collectors**

Atz, Hall, Old Mission, and Benjamin Roads are east-west roads. These roads are classified as Minor Collectors. As stated above, Marie Street and Corey Road north of Malabar Road should both be reclassified to Minor Collectors. In addition, Jordan Boulevard should be reclassified to a Minor Collector. LaCourt Lane was improved and used as a Minor Collector to avoid the more expensive and challenging road improvements needed for Marie Street to connect Hall and Atz Roads. Eva Lane was also cut through from Malabar Road to Hall Road and thus became a Minor Collector.

### **Local Roads**

All other remaining roads are classified as local roads. The local roads serve minimal homes on dead-end roads in the rural residential zoning and can be either paved or unpaved. Local dirt roadways can be paved by Special Assessment as stipulated in Chapter 13 of the Code of Ordinances.

**Existing Parking Facilities**

Parking facilities are composed of parking corresponding to the industrial and institutional properties, within the Town limits. Currently, there are no significant parking facilities within the Town of Malabar.

**Existing Pedestrian and Bicycle Facilities**

Malabar encourages non-motorized modes of transportation which have minimal impact on the natural environment. To maintain the mobility of a multimodal transportation system, it is vital that the Town of Malabar has a well-connected system of sidewalks, bike paths, and/or multi-use trails within the existing roadways system.

Bicycle facilities include bikeways, bike paths, paved shoulders and multi-use paths. A bicycle lane is a portion of a roadway which has been designed by striping, signage, and pavement markings for the preferential or exclusive use of bicyclist, while bicycle path is a bikeway physically separated from motorized vehicular traffic by an open space or barrier and located either within the highway right-of-way or within an independent right-of-way.

Currently, there are almost no existing pedestrian and bicycling facilities in the Town of Malabar. The Town shall continue coordination efforts with Brevard County and the Florida Department of Transportation to install sidewalks and bicycling facilities along major roadways connecting residential areas to schools, commercial and recreational areas.

Brevard County’s MPO is currently working on a Master Plan known as “Bicycle, Pedestrian and Trails Master Plan” which will provide vision for future transportation planning for non-motorized uses. The Master Plan will provide inventory of all existing and proposed sidewalks, bicycle and trail facilities, and needs assessment for these facilities.

Bicycle, Pedestrian & Trails Advisory Committee (BPTAC), as part of the Brevard MPO, provides educational support and guidance for improved non-motorized modes of transportation.

### **Existing Sideways and Bicycle Needs Assessment**

Malabar prides itself on its rural lifestyle, anti-sprawl, and slow growth principles. Yet new development and an increasing population compel the Town to improve pedestrian, bike, and equestrian connectivity in order to ensure the Town's character and livability remain intact. Pedestrian and bicycle facilities are most needed around schools, civic centers, shopping centers, community centers, bus stops, parks and other activity centers. Currently the Town has neither bicycle facilities nor sidewalks, except in the Brook Hollow and Weber Woods subdivisions. There is a need to analyze sidewalk deficiency and continuity on the arterial and collector roadways, near the recreational facilities including access to multi-use trails within the Environmentally Endangered Lands (EELS) and the hospital and medical offices in Palm Bay, Brevard MPO's Master Plan will evaluate the deficiencies and provide recommendations to mitigate the deficiencies in existing sidewalks and bike path system. To improve pedestrian safety, crosswalks should be provided at all major intersections. For safety, adequate lighting along sidewalks is necessary and should be provided.

Based on a preliminary analysis of the sidewalks and bicycle system, the following are a series of observed recommendations:

- There is a need to provide sidewalks along arterials and local streets especially near educational and community centers, and parks.
- Improve connectivity among the sidewalks and bike paths for efficient and safe sidewalk and bike path system.
- Incorporate recommendations from the Master Plan when completed.
- Signaling conforming to FDOT standards should be provided to bicyclist, pedestrian, and motorists. Accessibility and safety around the existing school and existing and emerging daycare facilities is also essential.
- Push-button crosswalks should be installed at major intersections.
- Adequate lighting on sidewalks is required for safety.
- The elevations and grades along sidewalks and handicapped ramps must address ADA requirements.
- Pedestal for signal needs to be provided at all signalized intersections.

## **GREENWAYS**

A greenway is a corridor of protected open space that is managed for conservation and/or recreation. Greenways follow natural land or water features, like ridges or rivers, or human landscape features like abandoned railroad corridors or canals and link natural reserves, parks, cultural and historic sites with each other and, in some cases, with populated areas. They include abandoned railroad corridors converted into multi-use recreational trails, winding paddling trails that follow rivers or shorelines, large-scale natural areas, and even bicycle paths in urban areas.

The Greenways and Trails Committee was formed in 1995 to preserve the unique natural resources and develop greenways and trails to enhance the quality of life. The Town of Malabar took the lead in 1996 by including the development of trails in their management plans for conservation lands acquired in coordination with the County's Environmentally Endangered Lands (EEL) program and the Florida Communities Trust. The Town of Malabar, in coordination with the Brevard Metropolitan Planning Organization (MPO) staff, held several public workshops designed to gather input and recommendations from stakeholders regarding the preferred locations and types of trails, and how to link these trails to surrounding neighborhoods and communities. In 2001, Malabar opened its first trailhead for the Sandhill Trail. Brevard County recognized the need for greenways and adopted the Brevard County Greenways and Trails Master Plan in 2001.

Brevard County MPO included five multiuse trails in Transportation Improvement Program (TIP) within Brevard County. Al Tuttle Trail will link the Malabar Scrub Sanctuary and Jordan Scrub Sanctuary in Malabar via the Sand Hill Trail and to other natural areas outside of the Town's limits such as the preserve by Valkaria Airport, the Turkey Creek Sanctuary, and the Sebastian Buffer Preserve. The multi-use corridor will have equestrian paths and will be kept natural (not paved) in environmentally sensitive areas. The Town of Malabar will continue to coordinate with Brevard County for identification and establishment of greenways.

## **EXISTING CHARACTERISTICS OF THE MAJOR TRIP GENERATORS**

The Town of Malabar is a small rural Town and most of the major regional attractions or generators like shopping malls, and employment centers are outside the Town limits. Mostly local commercial developments and retail lie along US-1 and Malabar Road.

## **EXISTING PUBLIC TRANSIT FACILITIES**

The transit service is provided within the County through Space Coast Area Transit (SCAT). Space Coast Area Transit Service is operated under the Brevard County Commissioners and provides fixed route service, paratransit, van pool, and volunteer services. Paratransit service is operated throughout the County Monday through Saturday, with limited service on Sunday. The van pool program provides vehicles to lease to private agencies and commuters.

Currently no fixed route bus service including community bus service is provided within the Town of Malabar, however, paratransit service is available for the residents of Malabar on certain routes. There are no intermodal facilities in the area. The Town supports establishment of a passenger rail line along the east coast, and recently passed a resolution encouraging FDOT to pursue a feasibility study for the establishment of passenger rail service along the Florida East Coast Railroad (FEC).

### **Needs Assessment**

There are certain factors which govern transit like population, density and household income. For an efficient transit system, a certain population density and other supporting factors are needed. Based on Malabar's current population, it appears regular fixed route bus service may not be a viable option. The Town should coordinate with the County if transit becomes part of future plans.

## **TRANSPORTATION LEVEL OF SERVICE (LOS) STANDARDS**

### **Adopted Level of Service**

Chapter 9J-5 requires local governments to adopt level of service (LOS) standards during the peak hour for roadways. Factors, which influence the level of service, are number of lanes, number of vehicles, speed, control type, number of access connections, maneuverability, safety and convenience of the public who will utilize the facilities. The roadway level of service (LOS) standard is a qualitative assessment of the road user's perception of the quality of flow of traffic. The LOS standard is represented by letters "A" through "F", with "A" representing the most favorable conditions and "F" representing the least favorable.

### **Levels of Service Standards**

The level of service standard is used as a guide for planning purposes, to identify the needs and to plan for the improvements necessary to maintain a desired level of service. Factors which influence the level of service are number of lanes, number of vehicles, speed, control type, number of access connections, maneuverability, safety and convenience of the public who will utilize the facilities.

The description of level of service standards in transportation planning are defined as follows:

**LOS A** – Ideal conditions of primarily free-flow traffic conditions at average travel speed with minimal delay.

**LOS B** – Unimpeded traffic flow at average travel speed, the maneuverability is a little restricted within the flow.

**LOS C** – Traffic flow is stable but drivers are more restricted in their choice of speeds and ability to maneuver as compared to LOS B.

**LOS D** – Traffic flow is unstable; speeds are tolerable for short periods of time but subject to sudden variance.

**LOS E** – Traffic flow is unstable and flow rates variable. This flow is characterized by significant delays and lower operating speeds.

**LOS F** – Traffic flow at extremely low speeds, congested roadways, high approach delays, and driving comfort is very low.

### **County Roads and Local Roads**

The county and local roads level of service will conform to the Brevard County and the Town's adopted LOS standards.

### ***State Roadways Florida Intrastate Highway System (FIHS)/Strategic Intermodal System (SIS)***

Rule 9J-5.0055(2) (c), F.A.C., requires local governments to adopt the LOS standards established by the Florida Department of Transportation. Rule 14.94003 for facilities on the Florida Intrastate Highway System (FIHS) (SIS) as noted in Table 2-1.

Interstate 95 is part of the Florida Intrastate Highway System (FIHS)/Strategic Intermodal System (SIS) and classified with an adopted level of service standard of "C". It is strongly recommended by the Florida Department of Transportation (FDOT) that local governments should involve the FDOT in development review process at an early stage if new proposed development impacts any SIS facility.

**TABLE 2-1 – to be updated**



### Statewide Minimum Level of Service Standards

Statewide Minimum Level of Service Standards for the state highway system, roadways on the Strategic intermodal System (SIS). Roadways on the Florida Intrastate Highway System (FIHS) and the roadway facilities funded in accordance with Section 339.2819, Florida Statutes, the Transportation Regional Incentive Program (TRIP).				
	SIS AND FIHS FACILITIES		TRIP FUNDED FACILITIES AND OTHER STATE ROADS <sup>3</sup>	
	Limited Access Highway <sup>4</sup> (Freeway)	Controlled Access Highway <sup>4</sup>	Other Multilane <sup>4</sup>	Two-Lane <sup>4</sup>
Rural Areas	B	B <sup>1</sup>	B	C
Transitioning Urbanized Areas, or communities	C	C	C	C
Urbanized Areas Under 500,000	C(D)	C	D	D
Urbanized Areas Over 500,000	D(E)	D	D	D
Roadways Parallel to Exclusive Transit Facilities	E	E	E	E
Inside TCMA's	D(E) <sup>2</sup>	E <sup>2</sup>	--- <sup>2</sup>	--- <sup>2</sup>
Inside TCEAs <sup>2</sup> and MMTDs <sup>2</sup>	--- <sup>2</sup>	--- <sup>2</sup>	--- <sup>2</sup>	--- <sup>2</sup>
Level of service standards inside of parentheses apply to general use lanes only when exclusive through lanes exist.				
1. For rural two-lane facilities, the standard is C.				
2. Means the Department must be consulted as provided by Section 163.3180 (5), (7), or (15), Florida Statutes, regarding level of service standards set on SIS or TRIP facilities impacted by TCMA's, MMTDs, or TCEAs respectively.				
3. Means the level of service standards for non-TRIP facilities may be set by local governments.				
4. It is recognized that certain roadways (i.e., constrained roadways) will not be expanded by the addition of through lanes for physical, environmental, or policy reasons. In such instances, a variance to the level of service may be sought pursuant to Section 120.542, Florida Statutes.				

Source: FDOT Chapter 14-94.

### Statewide Minimum Level of Service Standards

(1) Specific assumptions and restrictions that apply to these minimum LOS standards are:

- (a) The minimum LOS standards represent the lowest acceptable operating conditions in the peak hour.
- (b) Definitions and measurement criteria used for the minimum LOS standards can be found in the Transportation Research Board's Highway Capacity Manual Special Report 2000.
- (c) When calculating or evaluating level of service pursuant to this rule, all calculations and evaluations shall be based on the methodology contained in Transportation Research Board's Highway Capacity Manual Special Report 2000, the Department's 2007 *Quality/Level of Service Handbook*, or a methodology determined by the Department to be of comparable reliability. Any methodology superseded by the Highway Capacity Manual 2000, such as a methodology based on the 1997 Highway Capacity Manual or *Circular 212*, shall not be used.

(2) Minimum LOS Standards for SIS Connectors and TRIP Funded Facilities are:

(a) Minimum LOS Standards for SIS Highways.

1. Limited access SIS highways shall adhere to the limited access FIHS LOS standards.
2. Controlled access SIS highways shall adhere to the controlled access FIHS LOS standards.
3. These standards shall apply regardless whether the facility is FIHS, SHS, or under other jurisdiction.

(b) Minimum LOS Standards for SIS Connectors. The minimum LOS standard for SIS connectors shall be LOS D.

© Minimum LOS Standards for Regionally Significant Roadways Funded by the TRIP.

1. Regionally significant roadways utilizing TRIP funding shall adhere to the Other State Roads Standards in Chapter 14-94, F.A.C.
2. These LOS standards apply to the TRIP funded portions of the roadway facilities extending to their logical termini for LOS analysis.

*Specific Authority 163.3180(10), 334.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-64 FS. History-New 4-14-92, Amended 5-8-06.*

The Town of Malabar shall adopt the following generalized two-way peak hour level of service standards for Florida's urbanized areas within the Town of Malabar:

**TABLE 2-2: ADOPTED LEVEL OF SERVICE STANDARDS**

FACILITY TYPE	PEAK HOUR LEVEL OF SERVICE
Local Road	D
Collector Roadway	D
Minor Arterial	D
Major Arterial	D

Source: Town of Malabar

Based on above Table, all the roadways including paved and unpaved roadways within the Town of Malabar will have an adopted LOS 'D' standard.

## ROADWAY ANALYSIS

### Existing Roadway Capacities

Brevard County MPO conducts traffic counts throughout the County to evaluate transportation needs and plan for future improvements. The Brevard County Traffic County Program also helps to identify the need for new signals in county.

Pursuant to Rule 9J-5.019, F.A.C. the capacity of existing roadways to serve the existing land use was assessed using a peak hour peak direction level of service analysis. The 2007-2008 annual daily traffic volumes were obtained from the Brevard County Traffic Count Program. The daily bi-directional volumes were converted into peak hour peak direction volumes by multiplying them with peak hour and directional factors. Peak-hour factors 'K' and directional factors 'D' are generally used to convert AADT to peak-hour peak direction volumes for planning purposes.  $K_{100}$  is the factor for the 100<sup>th</sup> highest traffic volume hour of the year to the AADT. The 100<sup>th</sup> highest hour is representative of typical weekday peak hour traffic during the peak travel season.  $K_{100}$  or K is used to convert AADT to peak hour or vice versa. D, the Directional Distribution Factor, is the proportion of an hour's total volume occurring in the higher volume direction. The D factor is used in converting AADT to directional peak traffic. The values for K and D factors were obtained from the *FDOT 2007 Quality/Level of Service Handbook*.

Then, the existing peak hour peak direction level of service was determined using the *FDOT Generalized Peak Hour Directional Volumes for Florida Urbanized Areas* (Table 4-7 and 4-9). Based on this methodology, the calculated level of service for existing roadways is listed in **Table 2-3**.

**TABLE 2-3  
EXISTING PEAK HOUR PEAK DIRECTION LEVEL OF SERVICE**

ROADWAY	FROM	TO	AREA TYPE	CLASSIFICATION	ADPT LOS	# LANES (2-WAY)	PK HR PK DIR CAP (2)	2007 AADT VOL <sub>1</sub>	$K_{100}$ <sup>3</sup>	$D_{100}$	PK HR PK DIR VOL <sub>4</sub>	LOS
SR 5/US1	Valkaria Road	SR 514/Malabar Rd	U	State Arterial Class I	D	4	1,860	16,620	0.0950	0.5500	868	B
	SR 514/Malabar Rd	Robert Conlan Blvd	U	State Arterial Class I	D	4	1,860	22,840	0.0950	0.5500	1,193	B
SR507/Babcock St	Valkaria Rd	Foundation Park Blvd	U	State Arterial Class I	D	2	860	19,220	0.0950	0.5500	1,004	F
SR514/Malabar Rd	Babcock St	SR 5/US 1	U	State Arterial Class I	E	2	860	13,570	0.0950	0.5500	709	C
SR9/I-95 <sup>5</sup>	SR514/Malabar Rd	CR 516	U	Freeway	C	4	2,940	57,500	0.0950	0.5500	3,004	D

Note:

1. The existing 2007 volumes are directly taken from Brevard County Traffic County Program
2. The values for adopted level of service are directly taken from the FDOT 2007 Level of Service Tables 4-7 for Generalized Peak Hour Directional Volume.
3. Peak hour K and D factors are taken from the FDOT 2007 Level of Service Tables 4-7 & 4-9 for Generalized Peak Hour Directional Volume.
4. The peak hour peak direction volume is calculated from multiplying 2007 AADT with K and D factors.
5. The adopted level of service for SIS and FIHS facilities in urbanized areas under 500,000 is C. The 2006 AADT volume for I-95 is directly taken from the Brevard County LOS Report.

These existing roadway levels of service for the peak season 2007 are depicted in **Map TRN-4**.

## Existing Roadway Needs

The level of service analysis for existing conditions indicates that all the roadways within the Town of Malabar, except SR-9/I-95 and SR 507/Babcock Street, are operating at the adopted level of service. Currently, SR 507/Babcock Street is operating at below adopted level of service standard, however improvements are planned in the MPO's LRTP on Babcock Street. The widening of I-95 is programmed in FDOT's five-year work program. The Town shall coordinate with Brevard County, Brevard County MPO, Florida Department of Transportation District V for needed improvements to address the deficiency on SR-9/I-95 and SR 507/Babcock Street. To maintain the adopted level of service on roadways, Brevard County has an impact fee program for new developments. The Town supports improvements to parallel facilities, encourages other modes of transportation, and promotes travel demand management (TDM) techniques to reduce traffic on the FIHS facilities.

The travel demand techniques (TDM) include vanpool, car pool, employer incentives, ride share programs, and alternate work hours. The Town will continue to work with the County and FDOT to explore and discuss these alternatives to reduce traffic from the FIHS facilities. The Town shall continue to co-operate with County for development approval and access connection on County roads.

## Malabar Road Corridor Planning

Malabar Road is a two lane east west roadway which passes through the Town and connects US-1 with I-95. Residents have expressed an interest in developing Malabar Road as a corridor that incorporates low density office and commercial uses in order to promote economic development and provide additional services to the Town.

It is recommended to conduct a feasibility study to evaluate the impacts and identify the areas best suited for development of the corridor, as well as pursue Access Management Plan along Malabar Road to address right of way limitations. The Land Development Code should be revised to include regulatory provisions based on the recommendations from feasibility study. These regulations should, at a minimum address permitted land uses, densities, design standards, signage, and required improvements along the corridor. To that end, the Capital Improvements Element should be amended to create a program to allocate funds for the corridor project and any required improvements.

Recently, the Town passed a resolution to widen Malabar Road. FDOT recently completed a feasibility study on widening of Malabar Road from Babcock Street to US-1. Recently, the widening of Malabar Road from Babcock Street to US-1 is approved by the MPO's Technical Advisory Committee (TAC). The following improvements will help to enhance Malabar Road Corridor:

- Promote urban design standards;
- Encourage mixed use development;
- Pedestrian friendly design;

- Provisions for transit;
- Provide adequate parking.

## **Recommendations**

The following recommendations are provided to improve the existing transportation system:

- Pursue to develop Corridor Plan for Malabar Road;
- Pursue to develop an Access Management Plan for US-1 and Malabar Road;
- Develop a pedestrian and bicycle plan to identify and address the deficiencies;
- Pursue to develop a Greenway Plan;
- Reduce the crashes at the intersections and mid-block;
- Implement of land development regulations regarding driveway access;
- Improve over all traffic operation efficiency through incorporating the Intelligent Transportation System (ITS) techniques to reduce delays at the intersections;
- Improve pedestrian safety and ensure that crosswalks and pedestrian heads are present at all signalized intersections;
- Resurface roadways to improve overall operations.

## **EXISTING HURRICANE EVACUATION ROUTES**

The hurricane season is from June 1 to November 30. An important component of evacuation is the clearance time. The clearance time is a fixed period of time based on a specific scenario with a given level of threat and behavioral response. It is recommended that Town shall continue coordinating with the County in continuing to maintain or improve hurricane evacuation times.

The roadways surrounding the Town of Malabar which are critical in the evacuation process are shown in **Map TRN-5**.

## **FUTURE TRANSPORTATION SYSTEM (2025) AND FUTURE TRANSPORTATION NEEDS ANALYSIS**

### **Future Roadways**

The future roadway system will consist of existing roadways since no new roadways are identified in capital improvement projects or Brevard County MPO's LRTP.

The anticipated future roadway system and future number of through lanes are depicted in **Map TRN-6**. The anticipated future functional classification is shown in **Map TRN-3**.

## **FUTURE PEDESTRIAN AND BICYCLE PLAN**

### **Cost Feasible Pedestrian, Bicycle and Greenway Projects**

Since transportation needs are greater than funding available for the identified improvements, all the projects are evaluated against a set of criteria.

The cost feasible projects in the 2025 LRTP are selected based on the ranking, cost and impact of the project on improving connectivity within region. Cost feasible bicycle and pedestrian projects are the projects that should be included with cost feasible roadway projects. Currently, there are no cost feasible pedestrian or bicycle projects planned within the Town; however there is one greenway trail planned through the Town.

The following showcase trails are funded through Brevard County MPO:

- East Central Florida Regional Rail Trail,
- Brevard Zoo Trail,
- St. Johns River Heritage Trail,
- North Merritt Island Pioneer Trail,
- South Brevard Linear Trail.

The South Brevard Linear Trail known as Al Tuttle Trail passes through Town of Malabar. The Trail will link the communities of Malabar, Palm Bay, Grant-Valkaria, and Micco to existing parks, conservation areas, and community destinations. The planned multiuse trail will provide amenities for joggers, hikers, bicyclists, roller bladers, equestrians, and physically challenged. The planned greenways will help to protect environmentally sensitive lands and wildlife, as well as provide access to recreation places. Greenways, as another transportation alternative, can help reduce air pollution, road congestion, and energy consumption.

### **Future Needs**

It is recommended that Town of Malabar should continue to work with Brevard County and the FDOT and, install new pedestrian and bicycle facilities in the Town. The streets or roadways which provide access to parks, community centers, entertainment places, and main pedestrian generators needs to have a well inter-connected pedestrian and bicycle path system for an efficient transportation system. To achieve this goal, continued coordination with Brevard County and FDOT is needed.

Following are specific transportation recommendations:

- Apply for grant applications;
- Coordinate with FDOT and Brevard's MPO and Bicycle, Pedestrian & Trails Advisory Committee (BPTAC) to address the deficiencies in the system;
- Work together with BPTAC to Improve the awareness among public and provide educational programs to school children;
- Identify the funding resources, and apply for grant funding;
- Provide education material at activity centers like community centers;
- Improve the safety conditions through the development of neighborhood associations;
- Develop a community vision towards the non-motorized uses;
- Increase coordination with stakeholders and new developments to provide sidewalks and bicycle facilities in and around the developments; and

- Install new benches and shade trees for pedestrian friendly design.

### Future Transit Needs

Since Malabar is a small rural town, it is anticipated that most of the residents will travel to other cities to meet their employment, entertainment and educational needs. Currently the Town of Malabar has a low degree of transit demand. The Brevard County MPO conducted a Transit Quality of Service analysis to better understand the future transit needs, policy/service delivery projects and identifying the transit supportive areas in Brevard County. Based on 2005 Transit Quality of Service Report prepared by the Brevard County MPO, Malabar does not have any transit supportive areas within the Town.

The Town of Malabar should coordinate with Brevard County Transit to include bus service through the Town of Malabar.

### FUTURE ROADWAY CONDITION ANALYSIS

The future 2025 volumes were obtained from the Brevard County MPO. The Central Florida Regional Planning Model (CFRPPM IV) was employed based on a travel demand modeling software known as the Florida Standard Urban Transportation Modeling Structure (FSUTMS).

### COST FEASIBLE ROADWAY PROJECTS

The Transportation Improvement Program (TIP) for Brevard County is a five year financially feasible multimodal transportation program prepared by Brevard County MPO. The roadway projects planned in the FDOT five year work program and Brevard County MPO's Transportation Improvement Program (TIP) are listed in **Table 2-4A**.

**TABLE 2-4a: FDOT FIVE YEAR WORK PLAN FY 2009-2013**

Roadway	From	To	Description	Phase
I-95	Brevard County line	S of SR 514/Malabar Rd	Add Lanes and Rehabilitate Pavement	P D & E Study, Preliminary Engineering & ROW
I-95	S of SR514/Malabar Rd	Palm Bay Road	Add Lanes and Rehabilitate Pavement	Preliminary Engineering & Construction
Babcock St at SR 514/Malabar Rd		Intersection Reconstruction	Add Lanes and Reconstruct	Highway/Right of Way
SR507/Babcock St	N of SR514/Malabar Rd	Palm Bay Road	Resurfacing	Construction

The cost feasible roadway projects included in the MPO's 2025 Long Range Transportation Plan (LRTP) are shown in **Table 2-4B**.

**TABLE 2-4B: BREVARD COUNTY MPO 2025 COST FEASIBLE PROJECTS**

Roadway	From	To	Description	Phase
SR507/Babcock St	Valkaria	SR514/Malabar Rd	Widen to 4 lane	Preliminary Engineering
SR507/Babcock St	SR514/Malabar Rd	Melbourne	Widen to 6 lane	Preliminary Engineering

Recently, the widening of Malabar Road from Babcock Street to US-1 was approved by the MPO's Technical Advisory Committee, and is part of the 2025 LRTP.

**Future Roadway Level of Service Analysis**

The major concern in terms of transportation is to provide sufficient and adequate facilities to cope with the planned growth in the area. From the data available, population and development growth trends, and planned projects, the area is being analyzed to address these issues. The Town of Malabar's future needs were evaluated based on data available, consistent with Brevard County, the Brevard MPO's LRTP, and FDOT.

Year 2025 traffic projections were obtained from the Brevard County MPO. The Brevard County MPO uses the Central Florida Regional Planning Modal (CFRPM IV) for future projections. The future average annual daily traffic volumes were used to evaluate future level of service. The daily volumes were converted into peak hour peak direction volumes by multiplying them with peak hour 'K' and directional 'D' factors. The general values for K and D factors were obtained from the FDOT 2007 *Quality/Level of Service Handbook*. Then the future peak hour peak direction level of service was determined using the 'FDOT Generalized Peak Hour Directional Volumes for Florida Urbanized Areas' (Table 4-7). Based on this methodology, the calculated level of service for future conditions is listed in Table 2-5.

The level of service for 2025 network is displayed in Map TRN-7.

**TABLE 2-5 FUTURE (2025) PEAK HOUR PEAK DIRECTION LEVEL OF SERVICE**

ROADWAY	FROM	TO	AREA TYPE	CLASSIFICATION	ADPT LOS	# LANES (2-WAY)	PK HR PK DIR CAP (1)	2007 AADT VOL <sub>2</sub>	K <sub>100</sub> <sub>3</sub>	D <sub>1000</sub>	PK HR PK DIR VOL <sub>4</sub>	LOS
SR 5/US1	Valkaria Road	SR 514/Malabar Rd	U	State Arterial Class I	D	4	1,860	39,390	0.0950	0.5500	2,058	F
	SR 514/Malabar Rd	Robert Conlan Blvd	U	State Arterial Class I	D	4	1,860	45,870	0.0950	0.5500	2,397	F
SR507/Babcock St	Valkaria Rd	Foundation Park Blvd	U	State Arterial Class I	D	4	1,860	20,754	0.0950	0.5500	1,084	B
SR514/Malabar Rd	Babcock St	SR 5/US 1	U	State Arterial Class I	D	4	1,860	12,314	0.0950	0.5500	643	C
SR9/1-95 <sup>2</sup>	SR514/Malabar Rd	CR 516	U	Freeway	C	6	4,550	59,742	0.0950	0.5500	3,122	B

Note:

1. The values for adopted level of service are directly taken from the FDOT 2007 Level of Service Tables 4-7 & 4-9 for Generalized Peak Hour Directional Volume.
2. 2025 AADT volume were obtained from Brevard County MPO's 2025 LRTP
3. Peak hours K and D factors are taken from the FDOT 2007 Level of Service Tables 4-7 for Generalized Peak Hour Directional Volume.
4. The peak hour peak direction volume is calculated from multiplying 2025 AADT with K and D factors.

**Future Roadway Needs**

The level of service analysis for future conditions indicates that all the roadways except US-1 within the Town of Malabar will be operating at adopted level of service. The Town



shall coordinate with Brevard County, Brevard County MPO, Florida Department of Transportation District V for needed improvements to address the deficiency on US-1. The Town supports improvements to parallel facilities along I-95, encourages other modes of transportation, and promotes travel demand management (TDM) techniques to reduce traffic from the FIHS and non-FIHS facilities. The Town should continue to coordinate with County for development approval and access connection on County roadways.

### **Greenhouse Gas Emission Reduction**

The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution as much as possible. Currently the Town is not experiencing traffic congestion on any roadways with the Town limit, however the Town will keep residents informed and aware of the connection between their transportation choices, possible traffic congestion and air pollution. The Town will help to emphasize simple, convenient actions people can take to improve air quality and fewer vehicles on roadways. Some of the things that the Town will be doing to promote alternative forms of transportation include solidifying a greenway/equestrian trail plan to promote horse riding and identifying new greenways.

### **Future Evacuation Routes**

It is the Town's policy to maintain or improve the mobility on the roadways to reduce the clearance time. The clearance time is a fixed time period on a specific scenario with a given level of threat and behavioral response.

The future evacuation routes are shown on **Map TRN-5**.

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## TRANSPORTATION ELEMENT GOALS, OBJECTIVES, AND POLICIES

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### ***§2-1 Transportation Goals, Objectives, and Implementing Policies.***

This section stipulates goals, objectives, and implementing policies for the Transportation Element pursuant to 163.3177(6)(b), F.S., and §9J-5.007(3), F.A.C.

#### **GOAL 2.1: EFFECTIVE MULTIMODAL TRANSPORTATION SYSTEM**

**Plan for a safe, convenient, and efficient motorized and non-motorized transportation system which shall be available for existing and anticipated future users of the system.**

##### **2-1.1 Objective:**

*Safe, Convenient, and Efficient Transportation System.* Establish a safe, convenient and efficient motorized and non-motorized transportation system through development and implementation of level of service (LOS) standards.

##### **2-1.1.1 Policy:**

*Level of Service Standards.* The Town hereby adopts that following peak hour LOS standards for non FIHS and non-SIS facilities:

- a. US-1: LOS Standard D (FDOT facility)
- b. Malabar Road (SR 514); LOS Standard D (FDOT facility)
- c. Babcock Street (SR 407); LOS Standard D (FDOT facility)
- d. Collector Roadways: LOS Standard D
- e. Paved Local Roadways: LOS Standard D
- f. Unpaved Local Roadways: LOS Standard D

##### **2-1.1.2 Policy:**

*Level of Service Standards.* The Town hereby adopts the following peak hour LOS standards for FIHS and SIS facilities within the Town:

- a. I-95: LOS Standard C (FIHS and SIS facility)

##### **2-1.1.3 Policy:**

*Master Plan for Road Paving.* By 2010 The Town shall prepare and adopt a plan and schedule for paving local streets. The plan shall establish mechanisms for funding road paving projects and the schedule for

implementation shall designate relative priorities for needed road improvements and shall establish a time frame for such improvements.

2-1.1.4 Policy:

*Criteria for Evaluating Proposed Roadway Improvement.* Future roadway improvement proposal shall be evaluated and assigned a relative priority based on specific criteria below cited:

- a. Whether the project is needed to protect public health and safety, to fulfill the Town's legal commitment to provide facilities and services, to preserve or achieve full use of existing facilities; or
- b. Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes in-fill development.

2-1.1.5 Policy:

*Review of Proposed Developments.* The Town shall review all proposed development for consistency with adopted LOS standards. No development shall be approved that is projected to generate a traffic volume which would decrease the existing LOS below the adopted standard.

2-1.1.6 Policy:

*Assessments in New Developments.* The Town shall continue to implement the impact fee ordinance which assesses new developments an equitable pro data share of the costs to provide roadway improvements to serve the development.

2-1.1.7 Policy:

*Adequate Facilities Ordinance.* The Town shall continue to implement adequate facilities requirement as included in the Land Development Code. The Town shall prepare annual report on the adequacy of public facilities. The adequate facilities ordinance mandates that future applications for development shall include a written evaluation of the inputs of the anticipated development on the traffic system level of service. Prior to the issuance of a building permit, the Town shall render a finding that the applicant has provided assurance that the proposed development shall be serviced with adequate roadway capacity including any traffic system improvements required to maintain adequate levels of service. The developer's application shall include written assurances that any required improvements shall be in place concurrent with the impacts of the development (i.e., by the time a certificate of occupancy is granted by the Town.)

2-1.1.8 Policy:

*On-Site Transportation Improvements.* The Town shall continue to implement land development regulations which require new developments to provide safe and convenient on-site traffic flow considering motorized and non-motorized vehicle parking and internal circulation needs.

2-1.1.9 Policy:

*Access Management.* The Town shall continue to implement land development regulations for:

- Controlling connections and access points of driveways and roadways to existing roadways;
- Connectivity through cross access easements among all new development and redevelopment projects;
- Preventing conflicts between vehicular, pedestrian and rail traffic; and
- Providing a traffic circulation system which is designed to accommodate the demands of emergency service delivery systems.

2-1.1.10 Policy:

*Monitor Intersections with High Crash Rates.* The Town shall continue to coordinate with Brevard County and law enforcement agencies to monitor the intersections with high crash rate and implement improvements to reduce accidents.

2-1.1.11 Policy:

*Intelligent Transportation System (ITS).* The Town shall incorporate Intelligent Transportation System (ITS) techniques to improve traffic operations and reduce delays at intersections.

2-1.1.12 Policy:

*Adequate Signage and Traffic Controls.* The Town shall continue to provide proper signage and adequate traffic control on Town roadways for efficient and safe traffic circulation.

2-1.1.13 Policy:

*Transit Service.* The Town shall coordinate with Brevard County, Space Coast Areas Transit (SCAT) service and MPO to expand bus service to the Town of Malabar.

2-1.1.14 Policy:

*Transportation Demand Management Techniques.* The Town shall support alternate modes of transportation and encourage transportation demand

management techniques including ridesharing, van pool, and parking strategies.

2-1.1.15 Policy:

*Public Involvement.* The Town shall encourage public involvement in transportation planning and transportation improvement projects.

2-1.1.16 Policy:

*Establishment of Passenger Rail Line.* The Town shall support Florida Department of Transportation efforts towards the establishment of passenger rail line along the Florida East Coast (FEC) corridor.

2-1.2 Objective:

*Right-of-Way Acquisition.* The Town shall protect existing and future right-of-way from building encroachment. By 2010 additional transportation system right-of-way acquisition needs shall be identified and relative priorities for land acquisition shall be established.

2-1.2.1 Policy:

*Transportation Map.* The Town hereby adopts that Future Transportation System Map. Additional right-of-way (R/W) needs for future roadway and drainage improvements shall be identified based on an assessment to be completed by 2010. The findings regarding specific additional R/W needs for roadway and drainage facility improvements shall be incorporated as an amendment to Future Transportation System Map.

2-1.2.2 Policy:

*Standards of Future Road R/W Acquisition.* The Town hereby adopts the following minimum standards for road rights-of-way:

- a. Arterial Roadways: 150' R/W
- b. Major Collector Streets: 100' R/W
- c. Minor Collector Streets: 70' R/W
- d. Local Streets: 60' R/W (if swale drainage)  
50' R/W (if curb and gutter)

2-1.2.3 Policy:

*Mandatory R/W Dedication/Fees in Lieu.* The Town shall continue to implement a program for mandatory dedication or fees in lieu thereof as a condition of development approval associated with plats, replats, PUDs, or site plans where such development generate a need for new or improved roadways. The purpose and intent of such program shall be to assure that:  
1) adequate road R/W and necessary roadway improvements are dedicated

and developed concurrent with the impacts of new development; and 2) the cost of such improvements shall be borne by the developer generating the need for the facilities.

2-1.3 Objective:

*Future Roadway Improvements.* The Town shall coordinate with the FDOT and with the Brevard County MPO to attain roadway improvements needed to accommodate future transportation system improvements needed to accommodate system demands.

2-1.3.1 Policy:

*FDOT Planned Roadway Improvements.* The Town shall provide necessary coordination in achieving planned FDOT improvements to Town roadways.

2-1.3.2 Policy:

*FDOT Planned Roadway Improvements.* Brevard County plans to pave Corey and Weber Roads and the Town shall participate in funding a portion of the scheduled improvement pursuant to their interlocal agreement on this subject.

2-1.3.3 Policy:

*Corridor Planning along Malabar Road.* The Town shall pursue a Corridor Plan for Malabar Road to enhance and improve traffic operations along Malabar Road.

2-1.3.4 Policy:

*Access Management Plan along Malabar Road.* The Town shall pursue an Access Management Plan for Malabar Road as part of Corridor Plan.

2-1.3.5 Policy:

*Improvements along Malabar Road.* The Town shall coordinate with Brevard County and FDOT for the capacity improvements along Malabar Road.

2-1.3.6 Policy:

*Overlay Zoning District.* The Land Development Code shall be amended in order to create an overlay zoning district allowing for commercial/office development along Malabar Road based on the recommendations of the Corridor Plan feasibility study.

2-1.3.7 Policy:

*Regulatory provisions.* The Land Development Code shall be amended to incorporate overlay zoning district regulatory provisions and performance

standards. The provisions may include permitted land uses, densities, design standards, signage, and required improvements along the corridor.

2-1.4 Objective:

*Facilities for Bicycle Pedestrian Ways and Greenways.* The Town shall consider bicycle, pedestrian ways and greenways in planning for transportation facilities.

2-1.4.1 Policy:

*Planning for Bicycle and Pedestrian Ways.* The Town shall by 2010 prepare a plan for developing bicycle and pedestrian ways which connect residential areas to recreational areas and major activity centers. The plan shall include programs for implementation and anticipated funding sources.

2-1.4.2 Policy:

*Bicycle and Pedestrian Facilities Required for New Development.* The Town's land development regulations shall incorporate provisions requiring that new subdivisions, replats, planned unit developments, and site plans accommodate bicycle and pedestrian traffic needs. Similarly multiple family residences as well as shopping facilities, recreational areas, and other public uses shall provide storage areas for bicycles.

2-1.4.3 Policy:

*Adoption of Master Plan for Pedestrian, Bicycle and Greenways.* The Town of Malabar shall adopt the Brevard County Bicycle, Pedestrian and Greenway Plan for an efficient multimodal transportation system.

2-1.4.4 Policy:

*Improved Connectivity on Sidewalks.* The Town of Malabar shall continue to coordinate with Brevard County for missing sidewalks and bicycle ways and provide connectivity among them.

2-1.4.5 Policy:

*Right-of-way Acquisition for Greenways.* The Town shall continue to support Brevard County for the development of Greenway Plans and ensure that sufficient right-of-way is preserved to construct and maintain the multiuse trails as shown on Brevard County's Master Plan.

2-1.4.6 Policy:

*Improved Access.* The Town shall encourage the continued development of a greenway system that supports interconnectivity among and between recreational areas as a means of improving access.

2-1.4.7 Policy:

*Linear Open Spaces.* The Town shall continue to identify appropriate linear open spaces for potential greenway network programming, potential acquisitions, planning and development.

2-1.4.8 Policy:

*Equestrian Crossing.* Explore options for equestrian crossing of Malabar Road within greenway plans.

2-1.5 Objective:

*Coordinating Traffic Circulation Planning.* The Town shall coordinate transportation system planning with the plans and programs of the Brevard County Metropolitan Planning Organization (MPO), the FDOT Five (5) Year Transportation Plan, the City of Palm Bay, the Town of Grant-Valkaria and the East Central Florida Regional Planning Council (ECFRPC).

2-1.5.1 Policy:

*Implementing Transportation Planning and Coordination.* The Town shall review present and future transportation plans and programs of FDOT, Brevard County, the City of Palm Bay, and the ECFRPC in order to establish consistency with the Town's Comprehensive Plan.

2-1.5.2 Policy:

*Coordination among Transportation Agencies.* The Town shall coordinate with Brevard County, the Brevard MPO, FDOT, East Central Florida Regional Planning Council and neighboring municipalities for future transportation planning and roadway improvements and schedule meetings on regular basis to discuss regional and local transportation needs, and alternate solutions to meet transportation demands.

2-1.6 Objective:

*Managing Traffic Circulation and Land Use.* The Town shall coordinate the Transportation Element and implementing programs with goals, objectives, and policies of the Future Land Use Element, including the Future Land Use Plan Map.

2-1.6.1 Policy:

*Integrated Traffic Circulation and Land Use Planning.* The Town shall continually monitor and evaluate the impacts of existing and proposed future land development on the transportation system in order to achieve integrated management of the land use decisions and traffic circulation impacts.



2-1.6.2 Policy:

*Traffic Circulation Performance Criteria.* The Town shall continue to implement performance criteria in the Land Development Code which require that future land development comply with traffic circulation level of service standards. The performance criteria require that new development bear an equitable share of costs for traffic circulation system improvements necessary to accommodate traffic generated by the proposed development.

2-1.6.3 Policy:

*Traffic Circulation Site Plan Review Criteria.* The Town shall continue to implement Land Development Regulations regarding traffic circulation site plan review criteria. The criteria shall address such factors as trip generation; design of efficient internal traffic circulation and parking facilities including minimizing pedestrian and vehicular conflict, off-street parking, as well as safe and convenient circulation and maneuverability; control of access points; potential need for acceleration/deceleration lanes; adequacy surface water management.

# CHAPTER FOUR

## PUBLIC FACILITIES ELEMENT

### PURPOSE

The purpose of this element is to provide for necessary public facilities and services correlated to the future land use projections. The Town of Malabar sold its Water Utility to Palm Bay in 2012 with conditions that Malabar customers would be billed no differently than Palm Bay customers; Palm Bay Utility Department (PBUD) would be permitted to operate within all existing Malabar rights-of-way and utility easements; and would pay to Malabar a Franchise fee of 6% for the right to operate within Malabar. PBUD is the provider for sanitary sewer and potable water services. Most Malabar residences use potable water wells and septic systems. The Town does maintain the drainage system except for the Melbourne-Tillman Canal and provides solid waste pick up under contract. The following shows the providers of these services.

**TABLE 4-1: TOWN OF MALABAR SERVICE PROVIDERS**

Sanitary Sewer	Palm Bay Utilities Department
Solid Waste	Brevard County Solid Waste Management Department Waste Management Inc. (household trash, yard pick up)
Drainage	Town of Malabar Public Works Melbourne-Tillman Drainage District St Johns River Water Management District (SJRWMD)
Potable Water	Palm Bay Utilities Department
Ground Water Aquifer Recharge	Town of Malabar Public Works St Johns River Water Management District (SJRWMD)

Source: Town of Malabar, July 2018

This report is organized to provide analysis information about each area of service. The element conclusion contains the goals, objectives and policies for all the utilities services.

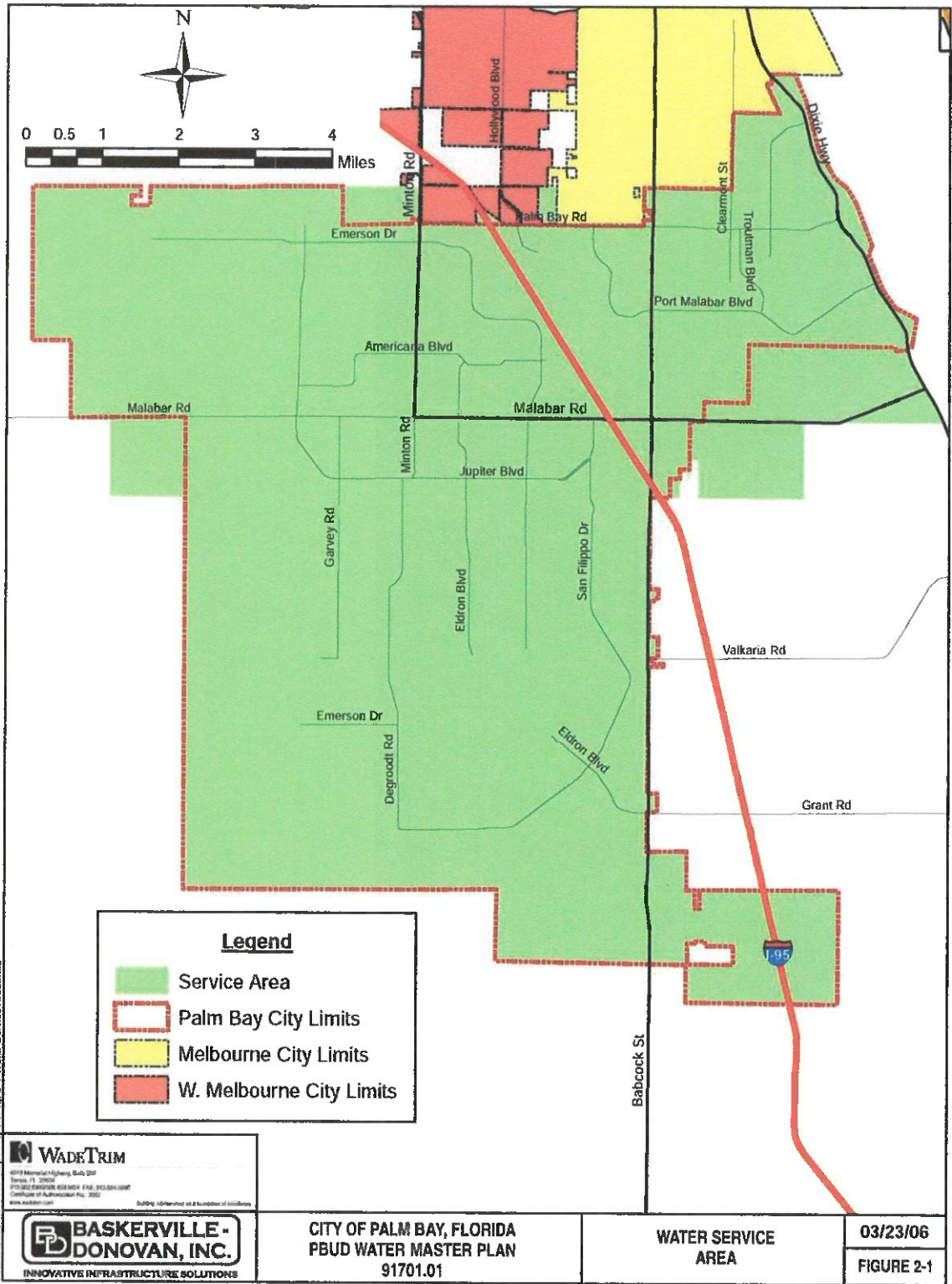
### EXISTING CONDITIONS AND DATA

#### Sanitary Sewer Analysis

Sanitary sewer facilities are defined in §9J-5.003(82), F.A.C., as: “structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.” The Florida Department of Health, through Brevard County Environment Services Department maintains administrative control over permitting of septic tanks and package treatment plants. The Department monitors these systems for compliance with quality control standards of the Florida Department of Environmental Protection (FDEP).



**FIGURE 1: PALM BAY UTILITY DEPARTMENT SANITARY SEWER SERVICE AREA**



## Geographic Service Area

The Town of Malabar provides sewage collection for approximately 13% of residents within the Town limits. See Figure 1 for the service area boundary. Areas not served by sewage collection are served by private lift stations or by package treatment plants.

## Types of Land Uses Served

As shown in the Future Land Use Element, forty-eight percent (48%) of the land area in the Town of Malabar is designated for residential development (3067.68 land acres). Commercial uses comprise six percent (6%) of the Town (409.22 acres) and light Industrial use designations make up one percent (1%) of the land area within Malabar (53.26 acres). Vacant/undeveloped Conservation lands, rights-of-way, Institutional lands, and park lands undesignated make up the remaining land uses in the Town (33% or 2135.77 acres). Table 1-1 of the Future Land Use Element provides the general land uses, by acreage, for the Town of Malabar.

## Capacity, Demand and Level of Service

The Town of Malabar sold the transmission lines to Palm Bay Utility Department (PBUD) for the portion of the Town where sewage collection is provided. PBUD operates the Troutman Waste Water Treatment Plant (WWTP), a 4.0 Million Gallon per Day (MGD) plant located on the east side of Troutman Boulevard and the Troutman Water Reclamation Facility (WRF), a 1.2 MGD plant on the west side of Troutman Boulevard. The discharge of treated wastewater from the WWTP is accomplished by a 3000-foot Deep Injection Well (DIW). The DIW has a permit to discharge 5.0 MGD, and a design capacity of 10.0 MGD. The PBUD is designing a 2.0 MGD WRF to be sited at update the South Regional Utilities Campus. This is sufficient to serve the PBUD service area in excess of the 10-year planning period. The discharge of treated wastewater from the WRF is accomplished by a non-restricted public access reuse system that supplies irrigation for several locations and cooling water to the Harris Corporation and Intersil Corporation. The Palm Bay Utility Corporation has projected the following flows based upon population projections. These flows account for the entire Palm Bay service area, including the Town of Malabar. Based upon the projected flow, the PBUD has sufficient capacity for the growth projected within their service area through the year 2018 update.

**TABLE 4-2: FLOWS BASED ON POPULATION PROJECTIONS**

<i>Year</i>	<i>Total Average Daily Flow (MGD)</i>	<i>Existing and Planned Treatment Capacity (MGD)</i>
2008	3.71	5.20
2009	3.85	5.20
2010	4.00	7.00
2011	4.14	7.00
2012	4.29	7.00

2013	4.43	7.00
2014	4.89	7.00
2014	5.35	7.00
2016	5.82	7.00
2017	6.28	7.00
2018	6.74	7.00
2019	7.42	7.00
2020	8.11	7.00
2021	8.79	7.00
2022	9.48	7.00
2023	10.16	7.00
2024	10.84	7.00
2025	11.53	7.00
2026	12.21	7.00
2027	12.90	7.00
2028	13.58	7.00

Source: Palm Bay Utilities Department

### Package Treatment Plants

Four private wastewater package treatment plants service three mobile home parks and the Harris Corporation. The permitted capacity of the treatment plants are as follows:

**TABLE 4-3: PERMITTED CAPACITY OF TREATMENT PLANTS**

<u>Package Treatment Plant</u>	<u>Permitted Capacity</u>
Harris Corporation	35,000 GPD
Enchanted Lakes Mobile Home Park	10,000 GPD
Camelot Mobile Home Park	20,000 GPD
Southern Comfort Mobile Home Park	15,000 GPD

Wastewater treatment methods utilized by each plant are as follows:

**TABLE 4-4: WASTEWATER TREATMENT METHODS**

<u>Package Treatment Plant</u>	<u>Treatment Method</u>
Harris Corporation	Attached Growth Biological Contractor with two percolation ponds
Enchanted Lakes	Extended Aeration
Camelot	Extended Aeration
Southern Comfort	Extended Aeration

According to the Florida Department of Environmental Protection, the plants have had no detrimental impacts on the environment.

## **Septic Tanks**

The remaining developments within the Town are served by private septic tanks and waste disposal drain fields. Septic tanks are regulated by the Florida Department of Environmental Protection (FDEP) and the Florida Department of Health, Brevard County Health Department.

## **Solid Waste Analysis**

Solid waste is defined in §9J-5.002(88), F.A.C., as: "sludge from a waste treatment works, water supply treatment plan, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semi-solid, or containing gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."

Solid waste facilities are defined in §9J-5.002(89), F.A.C., as "structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems."

Solid waste collection is provided to the Town under contract with Waste Management Inc. Hazardous wastes are discussed in the Conservation Element. The Town coordinates with Brevard County on solid waste issues, including landfill issues herein discussed. The DEP enforces State standards governing environmental and public health and water quality control standards.

## **Geographic Service Area/Types of Land Uses Served**

Solid waste handling and disposal is provided by Waste Management Inc. for the entire Town.

## **Design Capacity of the Facility**

Solid waste handling and disposal is performed by the Solid Waste Department of Brevard County. The County owns and operates the Central Disposal Facility, Sarno Transfer Station and Landfill, Mockingbird Mulching Facility and the Titusville Transfer Station. The Central Disposal Facility has permitted capacity for nearly 10 years. There is an additional 16 years of capacity in the southern expansion area. The Central Disposal Facility is used for Class I and Class III materials. The County is investigating extending the useful life of the Sarno Road Landfill. The County is currently obtaining the required permits to construct a new solid waste facility on County owned property on US-192.

## **Current and Future Demand and Level of Service**

The Level of Service for solid waste collection is 6.85 Pounds per Capita per Day (PCD). The transfer station serving the Town will be able to maintain this LOS for the duration of the 10-year planning period. The following table illustrates the approximate solid waste

volume generated by the Town, based on the population projections and the anticipated level of service.

**TABLE 4-5: TOWN OF MALABAR SOLID WASTE VOLUME - to be updated**

<i>Year</i>	<i>Population</i>	<i>Solid Waste Generation (Lbs. per day)</i>
2005	2,842	19,468
2010	3,142	21,523
2015	3,426	23,468
2020	3,687	25,256
2025	3,925	26,886
2030	4,145	28,393

Source: Calvin, Giordano & Associates Inc.

**Impact on Adjacent Natural Resources**

No solid waste facilities such as transfer stations or landfills are located within the Town’s corporate limits. Therefore, the Town experiences none of the potential adverse environmental impacts which these facilities frequently generate on natural resources.

**Drainage Analysis**

Drainage facilities are defined in §9J-5.003(24), F.A.C., as “as system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.”

Drainage within the Town of Malabar is provided by a system of swales, ditches, inlets and pipes that convey runoff into the Indian River Lagoon and Turkey Creek. The Town has been divided into three large drainage basins called Turkey Creek Basin, Goat Creek Basin and the Indian River Lagoon. Turkey Creek Basin is further divided into 9 sub-basins;, Goat Creek Basin has 5 sub-basins and the Indian River Lagoon has 2 sub-basins in the Town.

The Town of Malabar signed an inter-local agreement with Brevard County to join the Brevard County Stormwater Utility Program in 2000. Funding for the stormwater program is collected on tax bills via the non-ad-valorem process and has averaged around \$50,000 annually since 2000. The Town increased the fee in 2017 to \$52 per ERU and will increase it to \$64 per ERU in 2020 to fund the Utility. The Town contracts with the County to administer the Utility, perform annual inspections for credits and submit the information to the County Tax Office for billing. Stormwater projects are discussed or proposed by the Town. Through this program, the County acts as the stormwater administrator for the Town, ensuring that the procedures and policies enacted in the Town are consistent with that of the County. This partnership has proven to be a more efficient and cost-effective approach to stormwater management.



The Town Council has paid civil engineering persons to produce projects that would result in the most beneficial impact for the dollar. Malabar Council then held workshops and prioritized these projects, assigned estimated costs and has included them in their annual budgets and Capital Improvement Plans since 2014. As the stormwater assessment fees accrue, projects are scheduled.

**Types of Land Uses Served**

Land use within the Town of Malabar is primarily comprised of low density rural residential development.

**Design Capacity and Level of Service**

The Town’s stormwater management and flood protection ordinance was updated in 2014 to comply with FEMA and the Flood Plain Management regulations set forth in 44 C.F.R. part 60 and the flood-resistant construction requirements in the Florida Building Code. These are explained in the Coastal Management Element but will reduce the flood risk and associated losses due to flooding. It requires a minimum on-site stormwater management system based on a 10-year frequency, 24-hour duration storm event. Off-site stormwater management system improvements must be based on a 25-year frequency, 24-hour duration storm event. The Town requires retention or detention with filtration of the run-off from the first one (1) inch of rainfall. The on-site retention or detention must be designed so that the additional stormwater generated by development will not exceed the peak pre-development run-off rate generated by the site prior to the proposed development unless there is a legal positive outfall available which has sufficient capacity to accommodate the additional run-off.

The National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA) has identified the following flood zones within the Town:

**TABLE 4-6: FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD ZONES**

<b>Zone</b>	<b>Description</b>
<b>A</b>	An area inundated by 1% annual chance flooding, for which no base flood elevations (BFE’s) have been determined.
<b>AE</b>	An area inundated by 1% annual chance of flooding, for which BFEs have been determined.
<b>X</b>	Areas determined to be outside the 500-year floodplain, determined to be outside the 1% and 0.02% annual chance floodplains. Areas of minimal flood hazard from the principal source of flood in the area.
<b>X500</b>	Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood. An area inundated by 0.2% annual chance of flooding.

Source: Federal Emergency Management Agency (FEMA)

Map FLU-4 *FEMA Flood Zones*, locates the flood zones within the Town. Nearly the entire Town is classified as zone X, which is defined as areas determined to be outside the 500-year floodplain and determined to be outside the 1% and 0.2% annual chance floodplains. This is an area of minimal flood hazard from the principal source of flooding in the area. Existing land uses found within the floodplain are illustrated in the Future Land Use Element.

**Impact on Adjacent Natural Resources**

The stormwater flowing from the Town northward into Turkey Creek enters Turkey Creek tributaries north of the Town limits. Prior to entering Turkey Creek, the run-off from the Town merges with run-off from the extensive Melbourne-Tillman Water Control District system.

Furthermore, tests of water quality within Turkey Creek cannot provide valid indicators of water quality within the run-off volumes generated by the Melbourne-Tillman Water Control District, as volumes generated by drainage ways within the Town include run-off from the Interstate highway I-95, Highway 1, State Road 514 (Malabar Road) and both the Town of Malabar and City of Palm Bay.

The Town’s drainage system includes two outfalls into the Indian River Lagoon. These outfalls are located approximately one-quarter (1/4) mile south of Malabar Road and near the junction of U.S. 1 and Rocky Point Road, respectively. Florida Department of Environmental Protection (FDEP) and Brevard County have no data was available regarding potential point source pollutants generated by these outfalls. However, the Town maintains a Coastal Preservation zone which limits development on along a large portion Indian River Lagoon frontage.

**Potable Water**

Potable water facilities are defined in §9J-5.003(67), F.A.C., as “a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs and distribution mains.”

The Town of Malabar’s potable water is primarily derived from on-site shallow wells, which withdraw water from the surficial aquifer. The private wells within the Town are owned by individual homeowners and may require some treatment within the household to remove sulphur and salts. The Harris Government Systems development operates and maintains a private water treatment plant. The three mobile home parks within the Town also maintain private water treatment facilities. The characteristics of these facilities are herein discussed.

## **Geographic Service Area**

Approximately 20% of the population is served by public water supply mains. See Figure 2 for the service area boundary. Areas not served by water distribution are served by private wells or by package treatment plants.

## **Types of Land Uses Served**

As shown in the Future Land Use Element, twenty six percent (26%) of the land area in the Town of Malabar is made up of residential development. Commercial uses comprise less than three percent (3%) of the Town and light industrial use make up less than one percent (1%) of the land area within Malabar. Vacant/undeveloped lands, right-of-ways and park lands make up the remaining land uses in the Town. Table 1-1 of the Future Land Use Element provides the general land uses, by acreage, for the Town of Malabar.

## **Capacity, Demand and Level of Service**

The Town's Public Works Department owns and maintains a water distribution system that purchases its water from the PBUD under a thirty-year contract signed May 5, 1993. PBUD operates the Troutman Water Treatment Facility and the South Regional Water Treatment Facility. The Troutman Water Treatment Facility has both a Lime Softening (LS) Water Treatment Plant (WTP) and a Reverse Osmosis (RO) WTP. The LS WTP withdraws water from 35 Surficial Aquifer wells and one Floridan Aquifer well that is used for blending during peak demand.

The permitted withdrawal rates for this plant are 4.7 MGD declining 0.1 MGD per year until 2021, when the withdrawal rate will be 3.4 MGD for the Surficial Aquifer wells and 0.72 MGD for the Floridan Well. The RO WTP has 3 Floridan Aquifer wells permitted to withdraw 2.61 MGD. The current capacity of the TO WTP is 1.5 MGD with the ability to expand to 3 MGD. The South Regional Water Treatment Facility is an RO facility with five Floridan Aquifer wells with a permitted withdrawal of 5.09 MGD in 2007 expanding to 10.49 MGD in 2021. There is sufficient capacity for the 10-year planning period. There are also seven private water treatment plants located within the Town. The level of service provided by the PBUD is 75 GCD for residential property and 7,500 GCD for commercial and industrial property.

Although the Town of Malabar falls within the jurisdiction of the St Johns River Water Management District, they have been exempted from the requirement to develop a 10-year Water Facilities Supply Plan because the Town lies outside the "Priority Resource Cation Area."

## **Private Water Treatment Plants**

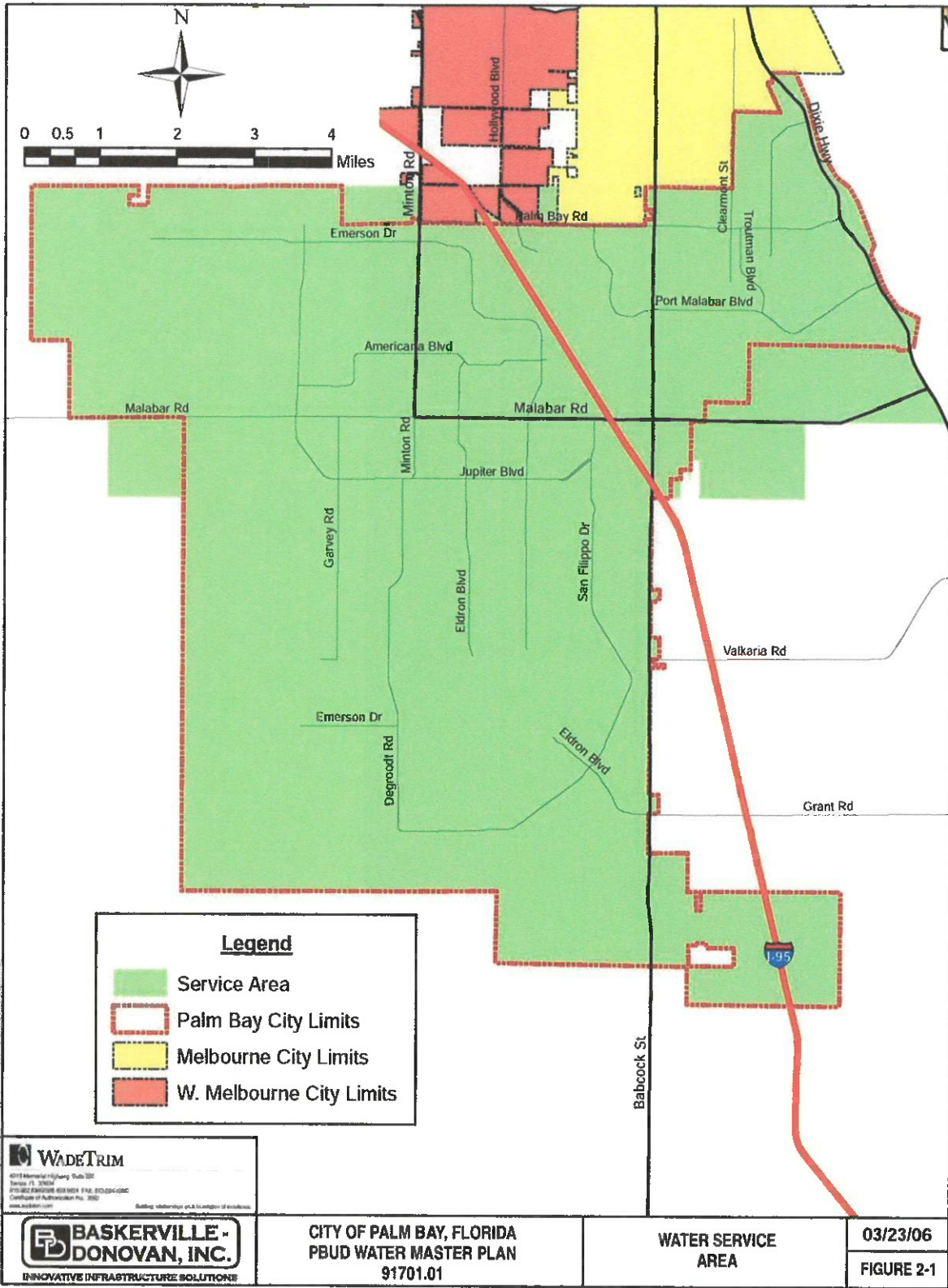
The designed capacity and estimated flow of the seven private potable water treatment plants are shown below:

**TABLE 4-7: POTABLE WATER TREATMENT PLANTS DESIGNED CAPACITY AND ESTIMATED FLOW**

<u>Private Water Treatment Plant</u>	<u>Designed Capacity</u>	<u>Estimated Current Flow</u>
Bayside Discovery Center	28,000 GPD	230 GPD
Harris Corporation	128,000 GPD	22,000 GPD
Enchanted Lakes Mobile Home Park	86,000 GPD	14,200 GPD
Camelot Mobile Home Park	37,440 GPD	10,500 GPD
Southern Comfort Mobile Home Park	57,000 GPD	12,500 GPD
Data Management Associates	12,000 GPD	1,250 GPD

Source: FDEP

**FIGURE 2: PALM BAY UTILITIES DEPARTMENT POTABLE WATER SERVICE AREA**



All the private water treatment plants employ chlorination methods in the purification of water drawn from the surficial aquifer. According to permit records maintained by the Florida Department of Environmental Protection, all plants are currently in compliance with State regulations.

No abnormal impacts are presently caused by any of these facilities. Although each facility draws water from the surficial aquifer, no detrimental impacts to groundwater levels or quality have been identified.

Each facility will adequately serve the residents or industry during the next five-year and ten-year planning period. As shown in the above table, all facilities have sufficient remaining capacity to handle any additional water demands created during this period.

**Private Wells**

The remaining developments within the Town are served by private wells.

**Impact on Adjacent Natural Resources**

No comprehensive data is available to quantify the cumulative impacts of private wells. As development pressures mount, and the Town approaches the future land use and population projections identified in the land use analysis, the Town should investigate potential area wide problems of groundwater depletion and the possible degradation of water quality caused by the proliferation of private wells.

**Natural Groundwater Aquifer Recharge Areas**

No areas within the Town have been adopted by the St Johns River Water Management District as prime groundwater recharge areas for the Floridan aquifer. The Floridan aquifer is recharged in eastern Osceola County and very little down migration of water is possible due to two factors: 1) a confining layer of silt and clay and various other materials separates the surficial and deep (Floridan) aquifer; and 2) the potentiometric surface of the aquifer is approximately +30 feet NGVD (National Geodetic Vertical Datum); this upward pressure will not permit recharge except under extremely high head conditions. There are no deep aquifer recharge areas within the Town of Malabar.

The top of the surficial aquifer within Malabar is generally located between five (5) and ten (10) feet below the ground surface but may be much closer to the ground surface depending upon the amount of rainfall which is present. The rainfall in the area recharges the surficial aquifer, and as such, the water table depth fluctuates with the amount and intensity of the rainfall.

**Existing Natural Drainage and Recharge Area Regulations and Programs**

The Town’s adopted regulations in the Flood Prevention Code, General Provisions, Subdivisions, Required Improvements, Site Plan, Surface Water Management and Concurrency Management Articles in the Land Development Regulations that provide for

maintaining and preserving groundwater recharge areas. The purpose and intent of the zoning regulations, stormwater management and subdivision ordinances are briefly described herein.

### **Zoning Regulations**

These regulations define the type of development that may occur on a given site, and further determine the maximum lot coverage.

### **Stormwater Management and Flood Protection Ordinance**

This ordinance requires on-site stormwater management planning that, in part, will enhance groundwater recharge. In recharge areas, developers must limit run-off from the proposed site to the greatest extent practical. Requirements for stormwater retention include facilities which have the capacity to retain the first inch of run-off from the site. Requirements that provide for the maintenance of existing watercourses, so that the flood carrying capacity is not diminished, are also included. Further requirements as described in Florida Statutes 163.3177.

### **Subdivision Ordinance**

The Ordinance establishes standards of subdivision design which encourage and lead to the development of sound and economically stable communities, and the creation of healthful living environments. In addition, provision which place the cost for needed improvements on the developer are included so the Town will not have to bear the costs of supplying services to poorly planned subdivisions.

The Town's zoning regulations, stormwater management and flood protection and subdivision ordinances accomplish an adequate degree of protection for natural drainage and recharge areas. Malabar's existing land use has generally developed in a manner favorable to natural groundwater recharge and natural flood protection.

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## PUBLIC FACILITIES ELEMENT GOAL, OBJECTIVES, AND POLICIES

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### Goal 4-1:

**Insure availability of needed public facilities in a manner which protects investments in existing facilities and promotes orderly, compact growth.**

#### 4-1.1 Objective:

*Insure Available Public Capacity.* The Town shall adopt procedures to ensure that at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.

##### 4-1.1.1 Policy:

*Level of Service Standards.* The following level of service standards are hereby adopted and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

##### Sanitary Sewers:

300 gallons per day per dwelling unit;  
150 gallons per day per mobile home unit;  
1089 gallons per day per acre for commercial/light industrial

##### Solid Waste:

6.85 pounds per capita per day

##### Drainage:

Off-Site: 25-year, 24-hour design storm  
Off-Site: 10-year, 24-hour design storm

##### Potable Water:

Residential – 100 gallons per capita per day;  
Commercial/Industrial – 7,500 gallons per day per gross acre.

To ensure that these levels of service standards are maintained, methodologies for determining available capacity and demand shall incorporate appropriate peak demand, co-efficient for each facility and for the type of development proposed.



4-1.1.2 Policy:

*Compliance with Level of Service Standards.* All improvements for replacement, expansion or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities. Issuance of development orders or permits shall be conditioned upon demonstration of compliance with applicable federal, state, and local permit requirements for Potable Water Supply.

4-1.1.3 Policy:

*Demand and Supply Information System.* The Town shall develop procedures for updating facility demand and capacity information and shall prepare annual summaries of capacity and demand information for respective facilities and/or service areas.

4-1.1.4 Policy:

*Coordination Between Future Land Use and Potable Water/Wastewater System needs.* The Town shall adopt land development regulations which insure that incremental decisions by the Town concerning potable water and wastewater system needs, plans and the location and timing of improvements shall be consistent with land use and conservation resource management policies stipulated in the Comprehensive Plan.

4-1.1.5 Policy:

*Planning for Potable Water and Wastewater Systems.* The Town shall coordinate with Brevard County and the City of Palm Bay to establish the potential for preparing and implementing an areawide management plan for achieving cost effective areawide potable water and wastewater systems.

4-1.1.6 Policy:

*Stormwater Management for new development.* All new development shall be required to construct entire stormwater management improvements on site.

4-1.2 Objective:

*Maintaining a Schedule of Public Facility Capital Improvement Needs.* The Town shall develop and maintain a five-year schedule of capital improvement needs for public facilities and shall annually update the schedule as stipulated in the Capital Improvements Element.

4-1.2.1 Policy:

*Capital Improvement Schedule.* The Town Council, after considering the recommendations of the Planning and Zoning Board, shall annually evaluate and rank capital improvement projects proposed for inclusion in the five-year schedule of capital improvement needs.

#### 4-1.2.2 Policy:

*Public Facility Evaluation Criteria.* Proposed capital improvement projects shall be evaluated and ranked according to the following priority level guidelines.

- a. "Level 1": Whether the project is needed to:
  - Protect public health and safety.
  - Fulfill the Town's legal commitment to provide facilities and services
  - Preserve or achieve full use of existing facilities.
- b. "Level 2": Whether the project accomplishes the following:
  - Increases efficiency of existing facilities.
  - Prevents or reduces future improvement costs.
  - Provides service to developed areas lacking full service or promotes in-fill development.
- c. "Level 3": Whether the project:
  - Represents a logical extension of facilities and services in a manner consistent with future Land Use Element goals, objectives and policies, including the Future Land Use Map.

#### 4-1.3 Objective:

*Procedures and Standards for On-Site Wastewater Treatment Systems.* The Town shall assist in assuring implementation of State regulations imposing mandated standards for inspections, operation, and maintenance of on-site wastewater treatment systems.

##### 4-1.3.1 Policy:

*Use of On-Site Wastewater Treatment Systems.* Use of on-site wastewater treatment systems shall be limited to the following conditions:

- a. Existing septic tank and package treatment plants may remain in service until centralized service is made available.
- b. Use of septic tank systems for new development shall be restricted to sites on which the Brevard County Environmental Services Unit renders a finding that the site and facility design is in compliance with State and local regulations governing the same.

- c. Use of package treatment plans shall comply with applicable laws governing the location, use, and design of the facility. Package treatment plants shall be designed in a manner which facilitates integration into an areawide or regional system in the future.

4-1.3.2 Policy:

*Coordinate with the Brevard County Environmental Services Unit.* The Town's land development regulations shall require that all proposed development which impacts an existing septic tank or generates need for a new septic tank be required to provide evidence of approval by the Brevard County Environmental Health Unit prior to receiving a development order or permit from the Town. Any such approval by the Town shall be conditioned upon the applicant's compliance with Brevard County requirement for ongoing facility maintenance and operation.

4-1.3.3 Policy:

*Conditions Governing Development Orders or Permits.* Issuance of development orders or permits shall be conditioned upon demonstration of compliance with applicable federal, State, and local permit requirements for on-site wastewater treatment systems.

4-1.3.4 Policy:

*Compliance with On-Site Wastewater Treatment and Water Quality Regulations.* The Town shall coordinate with appropriate federal, State, and County agencies and amend local ordinances to require that issuance of permits for replacement or expansion of existing on-site wastewater treatment systems is conditioned upon compliance with current regulatory requirements and water quality standards.

**Goal 4-2:**

**The Town shall assure that existing deficiencies in public facilities are corrected by undertaking the following projects:**

4-2.1 Objective:

*Reconcile Existing Deficiencies,* The Town shall assure that existing deficiencies in public facilities are corrected by undertaking the following projects:

- a. **Wastewater System Projects.** The Town shall coordinate with Brevard County and the City of Palm Bay to assess the potential for an areawide management plan for achieving a cost effective areawide wastewater system(s), including wastewater reuse through such programs as use of "graywater" for spray irrigation. No existing deficiencies have been identified.

- b. Solid Waste Projects. The Town shall coordinate with Brevard County's South County landfill site acquisition study efforts. In addition, the Town shall continue coordination and efforts to meet or exceed a thirty percent (30%) reduction in solid waste volumes by 2013.
- c. Potable Water System Projects. The Town shall coordinate with Brevard County, the City of Palm Bay to assess the potential for an areawide management plan for achieving a cost-effective area-wide potable water system(s).

The Town shall work with appropriate County and State public agencies to initiate a periodic County or State monitoring program of groundwater. This program is desirable since the Town relies on private wells withdrawing from the shallow surficial aquifer, on septic tanks for sewage treatment and has areas of poorly drained soils. The monitoring program will check possible contamination from septic tank leakage.

Also, the Town shall work through the St. Johns River Water Management District to initiate a SJRWMD program or other appropriate areawide approach designed to analyze existing or potential future problems surrounding existing practices of withdrawing potable water resources. Any needed areawide improvements shall be investigated on an areawide basis.

- d. Drainage Projects: Prepare an engineered master plan for stormwater management and drainage facilities by 2013. The master plan shall incorporate the following:
  - Engineered analysis confirming the natural sub-drainage basins within the Town together with major tributaries within each sub-basin.
  - Identification of floodways, drainage corridors, and other features comprising the Town's natural and manmade drainage system.
  - Analysis and recommendations concerning needed land acquisition and/or identification of lands which should be specifically regulated to preserve floodways together with drainage corridors and achieve effective stormwater management
  - Include a schedule of requisite improvement projects together with assigned priorities and costs.

- Recommended implementation program for funding, managing, and continually maintaining the stormwater management system. The implementation program should include a management framework for achieving equitable assessments required to implement the stormwater management program.
- Recommended land use restrictions, including changes to existing stormwater management and flood prevention regulations.

#### 4-2.1.1 Policy:

*Compliance with Capital Improvements Element.* All major public facility projects shall be undertaken in accordance with the schedule provided in the Capital Improvements Element of this plan as may be hereinafter amended.

#### 4-2.1.2 Policy:

*Priority for Correcting Existing Deficiencies.* In developing the annual schedule of capital improvement projects, the Town shall assign the highest priority to those projects required for purposed of correcting existing deficiencies.

#### 4-2.1.3 Policy:

*Existing Deficiencies Not to be Increased by New Development.* The Town shall issue no development order for new development which would result in an increase in demand on deficient facilities prior to completion of improvements needed to bring the respective facility up to standard. The Town shall include an adequate facilities requirement as part of the updated Land Development Code. The adequate facilities ordinance shall mandate that future applications for development shall include a written evaluation of the impact of the anticipated development on the levels of services for the water and wastewater systems, solid waste system, drainage, recreation, and the traffic circulation system. Prior to issuing a building permit the Town shall (1) render a finding that the applicant has provided written assurance that the proposed development shall be served with each of the above cited facilities with a level of service at least equal to that level of service stipulated in Policy 4-1.1.1; and (2) consult with the Palm Bay Utilities Department and the Town's Utilities Department to determine if adequate water supplies will be available to serve the development by the anticipated date of issuance of a certificate of occupancy or its functional equivalent. The developer's application shall include written assurances that any

required improvements shall be in place concurrent with the impacts of the development (i.e., by the time a certificate of occupancy is granted by the Town).

#### 4-2.1.4 Policy:

*Coordinate with Brevard County Hazard Waste Planning Efforts.* The Town shall help Brevard County as the County assesses and plans for hazardous Waste management in a manner consistent with the provisions of §403.7265, F.S.

#### 4-2.2 Objective:

*Meeting Projected Public Facility Demands to 2018.* The Town shall meet projected public facility demands through the year 2018 by undertaking the following projects:

- a. **Wastewater System Projects.** The Town shall participate with the City of Palm Bay Utility Department in implementing and updating as necessary, their master wastewater system. This plan shall:
  - Identify an area-wide organizational framework for managing the area-wide system;
  - Describe and prioritize sub-area service boundaries;
  - Establish an engineering system of wastewater facility improvement needs; and
  - Estimate the cost of engineering and constructing the requisite area-wide system improvements.
- b. **Solid Waste Projects.** Coordinate with Brevard County to ensure capacity for the Town at the County owned and operated southern expansion area.
- c. **Potable Water System.** The Town shall coordinate with the Palm Bay Utility Department in the implementation of their master potable water system plan. This plan shall:
  - Identify an area-side organizational framework for managing the area-wide system;
  - Describe and prioritize sub-area service boundaries;
  - Establish an engineered system of potable water facility improvement needs; and
  - Estimate the cost of engineering and constructing the requisite area-wide system improvements.

#### 4-2.2.1 Policy:

*Coordinate with Capital Improvements Element.* A public facility project shall be undertaken in accordance with the schedule provided in the Capital Improvements Element of this Plan.

#### 4-2.2.2 Policy:

*Public Facility Planning and Management Efficiency.* In scheduling the location, timing and staging of public facility improvements, the Town Council shall use the following criteria:

- a. Minimize disruption of services;
- b. Prevent duplication of labor; and
- c. Maintain service levels for all respective facilities.

#### 4-2.2.3 Policy:

*Additions of Public Facility Project Approvals.* All required federal, State, and County permits shall be obtained before the Town undertakes or authorizes contractors to undertake construction and/or operation of facilities.

#### 4-2.2.4 Policy:

*Maintain Maintenance Records.* The Town shall keep an accurate and up to date log of maintenance records for improvements and repairs throughout their facilities.

#### 4-2.3 Objective:

*Meeting Projected Demands for the Year 2008 through the Year 2013.* Specific improvement surrounding wastewater, potable water, and drainage systems for the year 2008 through the year 2013 shall be predicted on the master plans for the respective public facilities schedule for completion during the five-year increment: 2002-2007.

#### 4-2.3.1 Policy:

*Evaluate Needs for Existing Facility Improvements.* The Town Council shall use the annual summaries of facility capacity and demand information to evaluate the needs for the timing and location of projects to extend or increase the capacity of existing or planned future facilities. As these studies and projects are completed, scheduling and prioritization of needed facilities will be incorporated into the annual Capital Improvements Program.

#### 4-2.3.2 Policy:

*Scheduling Needed Capital Improvements.* The Town Council shall assure that projects required to meet projected demands for the years 2008

through 2013 shall be in the Capital Improvements Element of this plan in accordance with the requirement of §163.3177(3), F.S.

**Goal 4-3:**

**Provide adequate stormwater drainage to protect against flood conditions and prevent degradation of quality of receiving waters.**

4-3.1 Objective:

*Protect Natural Drainage Features.* The Town shall adhere to the stormwater drainage and flood prevention regulations as well as Comprehensive Plan level of service standards as needed to protect natural drainage features and insure that future development utilizes stormwater management systems compatible with the Town's master stormwater drainage plan which is scheduled for completion by 2013. The Town shall amend development regulations to incorporate the following considerations:

- a. Consistent with ECFRPC policy, the Town shall coordinate with the ECFRPC, FEDP, and the SJRWMD in identifying any urban drainage systems which are not compliant with Chapter 17.25, F.A.C. Where such non-compliant systems are found to contribute significantly to the degradation of surface waters, the Town shall coordinate with the FEDP, SJRWMD, and Brevard County to achieve a regional approach to improved drainage and retrofitting as may be appropriate;
- b. Existing stormwater engineering, design and construction standards for on-site systems should be evaluated and amended as needed;
- c. Specific standards for erosion and sediment controls to be used during development should be provided; and
- d. Periodic inspection of on-site systems should be required to assure continuance of system design and maintenance.

4-3.1.1 Policy

*Buffer Zone Requirements.* The Town shall develop buffer zone requirements for areas adjacent to natural drainage features. Such regulations may be required prior to the completion of the master drainage plan. If so, the buffer zone requirements shall reflect an interim standard recommended by the Town Engineer. The buffer zone requirement may be superseded by regulations predicated on the findings of the master stormwater drainage plan.



#### 4-3.1.2 Policy:

*Managing Land Use in the Floodplain.* The Town shall prepare and adopt necessary revisions to the Town's stormwater management and floodplain regulations based on the findings of the master stormwater drainage plan within one (1) year after adoption of the stormwater master plan. These regulations shall address necessary restrictions on encroachment, alteration, and compatible use of the floodplain and major drainage corridors.

#### 4-3.1.3 Policy:

*Implementing Master Drainage Plan.* The Town shall establish a program and funding mechanisms necessary to implement the adopted master stormwater drainage plan, including, but not necessarily limited to:

- a. Plans for protecting natural drainage corridors and other natural drainage features, including acquiring necessary drainage easements;
- b. Funding mechanisms necessary for achieving drainage improvements within each sub-basin; and
- c. Special consideration of the impacts of existing and future land development adjacent to the Indian River Lagoon which is an "Outstanding Florida Water". The master drainage plan shall address the fact that state requirements mandate that the level of treatment for stormwater discharging directly into this water is fifty percent (50%) above normal FDER standards cited in 17-25.035(i)(I), F.A.C.
- d. Organizational structure and funding mechanisms for carrying out necessary operation and maintenance programs.

#### 4-3.1.4 Policy:

*Inspection and Maintenance of Drainage Systems.* As part of the master stormwater drainage plan implementation program the Town shall insure that major drainage systems are inspected and receiving required maintenance on at least an annual basis.

#### 4-3.1.5 Policy:

*Project Funding.* The Town shall seek funding for stormwater management projects through state and federal agencies such as TMDL grants through the FDEP.

#### 4-3.1.6 Policy:

*Low Impact Development.* The Town shall investigate the feasibility of incorporating LID (low impact development) techniques into future development.

**Goal 4-4:**

**The functions of natural groundwater aquifer recharge areas within the Town shall be protected and maintained.**

4-4.1 Objective:

*Coordinate Issues Surrounding Aquifer Recharge.* The Town shall coordinate with Brevard County and the St Johns River Water Management District in providing for maintenance of aquifer recharge area functions.

4-4.1.1 Policy:

*Protect Surficial Aquifer Recharge Areas.* Although the Town has no prime deep aquifer recharge areas which have been identified by the St Johns River Water Management District, the Town has abundant surficial aquifer recharge areas. Requirements shall be incorporated into the Town's land development regulations which require retention of open space for all development to preserve the quality and quantity of water resources within the surficial aquifer.

4-4.1.2 Policy:

*Deep Aquifer Water Conservation.* To protect the quality and quantity of deep aquifer water resources, the Town shall coordinate with the St Johns River Water Management District and other applicable regulatory agencies in identifying free flowing deep aquifer wells and in requiring corrective measures, including capping, plugging, or installing regulatory devices which control the discharge of water from the deep aquifer.

4-4.1.3 Policy:

*Retain Run-off to Maximize Recharge.* The Town shall amend the stormwater management regulations to require retention of stormwater run-off to maximize groundwater recharge.

4-4.1.4 Policy:

*Coordinate with Other Recharge Protection Programs.* The Town will coordinate with local, State, and federal agencies to achieve regional aquifer recharge protection objectives.



# CHAPTER FIVE

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## COASTAL MANAGEMENT ELEMENT

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### PURPOSE

The purpose of the Coastal Management Element is to protect human life and limit public expenditures in areas that are subject to destruction by natural disaster. It is also to plan for, and where appropriate, restrict development and redevelopment activities where such activities would damage or destroy coastal resources. The added redevelopment component will include strategies that reduce repeated flood risks, encourage best practices to reduce losses due to flooding and claims made under flood insurance policies issued in this State, be consistent with the flood-resistant construction requirements in the Florida Building Code and continue to participate in the National Flood Insurance Program Community Rating System administered by FEMA.

### COASTAL AREA

The boundary of the Coastal Planning Area sometimes also referred to as the Coastal Area, for the Town is the area east of U.S. Highway 1 to the Indian River Lagoon. Map CST-1 Coastal Planning Area, identifies the Coastal Planning Area of the Town.

The Town is in southern Brevard County. Brevard County is an Atlantic Ocean coastal county located near the middle of the Florida peninsula. The County is composed of the mainland component and the Barrier Islands separated from the mainland by the Indian River Lagoon estuary system. The Town is on the mainland component along the western shore of the Indian River. The Town is separated from the Atlantic Ocean by a Barrier Island and the Indian River lagoon. The nearest ocean access for the Town is the Town of Indialantic approximately three miles north and across the Melbourne 192 Causeway and through the Sebastian Inlet, approximately 10 miles to the south. The Cape Canaveral Inlet, also providing ocean access, is located approximately 30 miles to the north.

### Land Use in the Coastal Area

There are approximately 3.5 miles of Town shoreline abutting the Indian River. As shown on the Coastal Planning Area Map, the Town's Coastal Planning Area contains the narrow strip of land that falls between U.S. Highway 1 and the shoreline at the south end of Town, south of the U.S. Highway 1 and Rocky Point Road juncture. The Coastal Planning Area also contains the lands located between U.S. Highway 1 and Rocky Point Road at the south end of the Town.

All except the two northernmost parcels and the very southernmost parcel in the narrow strip of land immediately along the shoreline have special zoning designation assigned

by the Town as Coastal Preservation with the use restricted to water dependent non-commercial piers, boat slips and docks. There is a commercial use on the northernmost parcels; the southernmost parcel is vacant but will allow the development of a single-family residential unit.

North of the U.S. Highway 1 and Rocky Point Road juncture there are 48 separate parcels within this narrow strip of shoreline land. The portion of the Coastal Planning Area that is south of the U.S. Highway 1 and the Rocky Point Road juncture contains 82 parcels, 45 of which include the narrow strip of land on the east side of Rocky Point Road immediately along the shoreline, providing direct water access for these 45 parcels. The use in this southern portion of the Coastal Planning Area is low density single family residential. For development and redevelopment site plans within the Coastal Area shall be reviewed for compliance with the goals, objectives and policies of the Town's Comprehensive Plan; as well as consistency with flood resistant construction methods in the Florida Building Code.

The Town has no identified blighted areas in need of redevelopment within the Coastal Area and has no Community Redevelopment Authority.

The Future Land Uses within the CA are identified on Map FLU-9 *Future Land Use*.

### **Natural Resources in the Coastal Area**

Map FLU-7 *Habitat and Land Coverage* identifies and maps the native habitats within the Town. The Rocky Point subdivision contains some Pineland habitat, although this occurs on developed single family residential parcels. There are 93 separate parcels along the estuary shoreline; two of the shoreline parcels are developed, one has the potential for a single-family residential development and the remaining 90 parcels are use restricted to water dependent non-commercial piers, boat slips and docks.

The southernmost vacant shoreline parcel contains a dense, canopy coverage; the remaining shoreline parcels contain mainly herbaceous coverage, maintained in a mowed state on most parcels, with scattered palm or canopy species present. Data is not available on historic shoreline improvements, but the immediate shoreline is not bulk headed and appears to be a relatively unimproved, rocky shoreline. There are no saltmarshes along the shoreline. The submerged land adjacent to the Town contains seagrass beds.

### **Access Facilities**

Although nearly the entirety of the Town's shoreline is restricted to water dependent non-commercial piers, boat slips and docks, these parcels are all under private ownership and provide water access only for each of the adjacent upland property owners. There is no publicly-owned waterfront or designated public water access in the Town. The Town is exploring the possibility of obtaining grants, gifts, contributions, and other financial resources for the purchase of land contiguous to the Indian River and is exploring

appropriate joint public and private ventures to provide access facilities to the Indian River.

Although there are no designated scenic overlook facilities, the location of U.S. Highway 1 along the Indian River does provide nearly two miles of scenic overlook opportunities to the estuary for motorists and pedestrians.

### **Estuarine Pollution Conditions**

The Town of Malabar municipal boundary extends into the Indian River Lagoon (IRL). The IRL is a lineal estuarine system that extends along more than a third of Florida's east coast between the Barrier Islands and the Atlantic Coastal Ridge; it extends over 155 miles from Ponce de Leon Inlet in Volusia County south to Jupiter Inlet in Palm Beach County. Numerous freshwater wetlands and sloughs undergo a transition into riverine systems that connect directly to the IRL. The lagoon interacts with the saline waters of the Atlantic Ocean through the inlets, providing tidal exchange with fresh water discharged into the lagoon from the inland rivers.

The IRL provides a higher species diversity than in any other estuary in North America. Due to the distinct characteristics of this system, portions of the IRL have been designated as aquatic preserves. The eastern edge of the Town abuts the *Indian River – Malabar to Vero Beach Aquatic Preserve*, which was established on October 21, 1969 by the Governor and Cabinet by resolution. In 1975, the Florida Legislature established the Florida Aquatic Preserve Act as codified in Chapter 258 Florida Statute (F.S.). Aquatic Preserves are administered under Chapters 18-20 and 18-21, Florida Administrative Code (F.A.C.). The surface water area of the Indian River – Malabar to Vero Beach Aquatic Preserve is approximately 43.4 square miles of 27,966 acres. The preserve is managed by the Florida Department of Environmental Protection Office of Coastal and Aquatic Managed Areas. This Aquatic Preserve overlaps temperate and the subtropical zones creating a highly diverse system; because of this diversity, it is included in the U.S. Environmental Protection Agency's (EPA) National Estuary Program. It is also designated as Outstanding Florida Water, which provides increased water protection measures.

Overall, the natural hydrologic regime of the IRL has been heavily influenced over the years by human activities. Residential and commercial construction in the late 1800s and early 1900s increased the need for inlets to increase commerce. In the 1930s and 1950s much of the lagoon salt marsh was impounded for mosquito control purposes and the Atlantic Intracoastal Waterway was expanded and deepened to allow for more navigable.

Through the cooperative efforts by a variety of federal, state, county and local governments, as well as non-governmental organizations, efforts have begun to address the long-term health and viability of the estuarine lagoon and associated wildlife. A variety of organizations have monitoring and research underway in the IRL and its watershed. The St Johns River Water Management District (SJRWMD) continues to implement and update the *Indian River Lagoon Comprehensive Conservation and Management Plan*

(CCMP). The Brevard County Stormwater Program (BCSP) provides assistance and recommendations for the selection and implementation of the most efficient and cost-effective stormwater treatment methods. The Brevard County Natural Resource Management Office and the University of Florida Brevard County Extension Service have initiated and are jointly sponsoring the development of the Brevard County Comprehensive Maritime Management Master Plan (CM3P). The Indian River Lagoon Surface Water Improvements and Management (SWIM) program, administered cooperatively through the SJRWMD and the South Florida Water Management District (SFWMD) has been designed to develop and execute a combination of research and practical implementation projects to protect or restore the environmental resources of the Lagoon. This program has three goals:

- Attain and maintain water and sediment of sufficient quality to support a healthy, seagrass-based estuarine ecosystem;
- Attain and maintain a functioning seagrass ecosystem which supports endangered and threatened species, fisheries and wildlife; and
- Achieve heightened public awareness and coordinated interagency management.

The Town's drainage system includes two outfalls into the Indian River. One is located approximately one-quarter (1/4) mile south of Malabar Road and the other is near the junction of U.S. Highway 1 and Rocky Point Road. No data is available regarding potential point source pollutants generated by these outfalls. For that development in the Town that pre-dates the required Best Management Practices for stormwater run-off, unpretreated run-off may still be a non-point source water quality issue for the lagoon. However, currently, over 77 percent (77%) of the area of the Town is undeveloped native habitats. By requiring that surface water management systems be designed and operated consistent with the state standards and the Town's adopted level of service, the Town can limit specific and cumulative impacts of new development and redevelopment upon water quality. On 90 of the 93 shoreline properties that abut the IRL, the Town maintains a Coastal Preservation designation which restricts the use of these parcels to water dependent non-commercial piers, boat slips and docks; limiting the run-off potential from shoreline development.

The Atlantic Intracoastal Waterway (ICW), which runs within the IRL, also runs off the coast of the Town. The ICW is managed and maintained by the Florida Inland Navigation District (FIND), a Special State Taxing District. Maintenance dredging has created Spoil Islands that run along the edge of the ICW. There are several Spoil Islands in the IRL at the southern end of the Town. The Spoil Island Working Group (SIWG), which consists of 12 federal, state, and county government agencies and six non-governmental organizations, was created to implement the Indian River Lagoon Spoil Island Management Plan put forth by the Florida Inland Navigation District (FIND). The Spoil

Island Project is a coordinate effort towards managing the spoil islands for recreational and environmental interests.

### **Historic Resources**

The Bureau of Archaeological Research with the Florida Office of Cultural and Historic Preservation maintains the Florida Master Site File (MSF); a database that contains information on archaeological and historic resources in Florida. The state Master Site File also contains those sites listed on the National Register. Map FLU 2 *Historic Sites*, identifies and locates the historic resources contained on the MSF. There are two sites within the Coastal Area of the Town; a prehistoric burial mound located in the Rocky Point subdivision and a prehistoric shell midden located at Malabar Road and U.S. Highway 1.

On December 24, 1883, Malabar received official designation from the U.S. Postal Service. President Chester A. Arthur appointed R.A. Ward the first Postmaster for the local population of 25. Two times a week, weather permitting, a mailboat, depicted in the Malabar Town seal, hoisted sail and traveled along the shallow Intracoastal Waterway from Jacksonville to deliver the mail. A palmetto shack served as the post office just north of Malabar Road. This was close to a pier located north of the Malabar Road – U.S. Highway 1 intersection today. Although never built, the State of Florida had proposed a mule canal to travel inland from this area. Later the steamboat arrived and dropped off mail further to the south at Orange Avenue on piers that extended over 300 feet to reach the deeper water these craft required. In 1893 the railroad replaced mailboats for delivery of mail and other commodities.

Although the first Post Office and historic mailboat stop is not identified in the MSF, the Town considers it as a site of local historic significance. The historic mailboat is an important piece of the Town's history and makes the Town of Malabar unique.

### **Infrastructure in the Coastal Area**

The public sewer and water systems do not extend into the Coastal Area (CA) of the Town. All development within the CA is served by a private self-service well and septic system. The public infrastructure found in the CA are the roads in the Rocky Point and Coquina Point subdivisions and two drainage system outfalls into Indian River.

### **COASTAL HIGH HAZARD AREA**

Pursuant to Chapter 163.3178(2)(h) F.S. the "Coastal High Hazard Areas" (also referred to as "high-hazard coastal areas") means the area below the elevation of the category 1 storm surge line as established by a Sea, Lakes, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Map CST-2 *Coastal High Hazard Areas*, identifies the Coastal High Hazard Area (CHHA) within the Town. Pursuant to Chapter 163.3178(2)(f)1 F.S. now includes sea-level rise as one of the causes of flood risk that must be addressed in the redevelopment principles that reduce the flood risk, storm surge, stormwater run-off and reduce repeat flood related claims. These regulations are



included in the Malabar Land Use regulations which shall be utilized to assist in protecting public and private property from the effects of hurricane winds and flooding.

### **Infrastructure in the Coastal High Hazard Area**

The current SLOSH model indicates only a very small area in the Town of Malabar falls within the CHHA. This area is more than two miles inland from the Indian River. The CHHA is a riverine area at the confluence of two streams at the very northwest corner of the Town. Mapping indicates most of the CHHA is undeveloped; however, approximately 10 single family residential properties along Briar Creek Boulevard and Hollow Brook Lane do fall within the CHHA as identified on the CHHA Map. These homes are served by public sewer and water, the Town infrastructure for these services falls in the CHHA. The Town of Malabar shall ensure that construction of infrastructure related improvements coincide with the demands generated by development or redevelopment and are consistent with intensities and densities identified in the Future Land Use element.

### **NATURAL DISASTER PLANNING**

Within the Town there is a potential for impacts from lightning, wildfires, floods and tropical storms, but the most significant natural disaster threat the Town needs to plan for is the event of a hurricane. Hurricanes have the potential to occur from June through November; heavy rainfall, high winds, storm surge and widespread flooding may accompany these storms. Records indicate that the Town has been brushed or hit by a hurricane 45 times from 1871 through 2017.

During a hurricane evacuation, a significant number of vehicles will have to be moved across the local and regional road network. The quantity of evacuating vehicles will vary depending upon the magnitude of the hurricane, publicity and warnings provided about the storm and behavioral response characteristics of the vulnerable population. The Town and County must be prepared to evacuate highly vulnerable populations on critical routes, often concurrently with evacuees from outside the County. There are limited route choices to leave, Map CST-3 *Evacuation Routes* identifies the designated evacuation routes. There are no emergency shelters located within the Town.

U.S. Census Data estimates the 2017 total population for Malabar as 2,866 ~~2,754~~ with an estimated 2017 County population of 575,211. The Town coordinates with the County in disseminating information concerning the need of residents to evacuate at various hurricane threat levels and strives to educate the general citizenry regarding emergency preparedness plans. The Town also coordinates with the County in continuing to maintain or improve hurricane evacuation times and in annually updating the County's Comprehensive Emergency Management Plan and updating hurricane evacuation shelter assignments as well as other policy formulation surrounding emergency preparedness. The Town includes criteria in their 5-year schedule of Capital Improvement Projects to ensure structural transportation improvements to maintain sufficient

evacuation routes and the inclusion and prioritization of projects that are hazard mitigation initiatives.

The Town has developed and has in place a current Emergency Management Plan and has in place a mutual aid agreement with the Brevard County and the State of Florida. The Town also participates in the County Unified Local Mitigation Strategy. The Town coordinates their Post Disaster Redevelopment with the County Emergency Management Office.

Living close to Cape Canaveral Air Station (CCAS) and the Kennedy Space Center (KSC) also imposes a limited degree of risk. Residents of Malabar and Brevard County should be aware that launch accidents may occur, and residents should be aware of the associated hazards. The Kennedy Space Center sometimes has launches that have major radiological sources on board; launches of this type are advertised many years in advance to receive public and private input. An integrated Brevard County Emergency Management and U.S. Air Force team follows specific guidelines to ensure the public's safety. Public safety is the number one priority of all agencies associated with the launching of these vehicles. Additionally, the southern part of Brevard County from Malabar Road south, is in the 50-mile ingestion pathway of the St Lucie Nuclear Power plant located on Hutchinson Island near Fort Pierce. Brevard County has a plan for sheltering and for hosting evacuees from the plant's 10-mile emergency planning area and for providing medical and emergency support as well as decontamination for those that might have a need for decontamination or medical care.

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## COASTAL ELEMENT GOALS, OBJECTIVES, AND POLICIES

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### Goal 5-1:

***Coastal Management.*** Restrict development activities that would damage or destroy coastal resources and protect human life and limit public expenditures in areas subject to destruction by natural disasters.

#### 5-1.1 Objective:

*Protect Coastal Resources, Wetlands, Estuary, Living Marine Resources, and Wildlife Habitats.* Protect, conserve, and enhance the natural resources of the Town's incorporated area, including wetlands, the estuarine shoreline, and other natural coastal resources in a manner consistent with the East Central Florida Regional Planning Council (ECFRPC) policies and by:

- a. Preventing potentially adverse impacts of development and redevelopment on wetlands;
- b. Managing the impacts of development on the Indian River Lagoon, including estuarine resources such as living marine organisms, seagrasses, coastal marsh, and mangroves together with adjacent environmentally sensitive transition areas;
- c. Regulating the impacts of development on wildlife habitats; and
- d. Managing vegetative landscaping, including prohibition of noxious exotic species consistent with the ECFRPC Strategic Regional Policy Plan.

#### 5-1.1.1 Policy:

*Development Restrictions in Wetlands.* Future land uses that are incompatible with the protection or conservation of wetlands and wetland functions shall be directed away from wetlands. The Town shall strictly enforce the Town's adopted wetland development restrictions and interpretations and shall:

- a. As a condition of development approval, require project approval from all applicable external jurisdictional agencies regarding the protection of wetland habitats and functions;
- b. Require buffering between wetlands and land uses that negatively impact wetland ecosystems;

- c. Ensure that where wetland impacts can occur, mitigation shall be considered as one means to compensate for the loss of wetland functions; and
- d. Preserve the Town Councils right to require dedication of a conservation easement to preserve wetland functions and provide for exceptions where the subject land area no longer retains the characteristics, functions and value of a wetland.

5-1.1.2 Policy:

*Protect the Indian River Lagoon.* For site plan approval, the Town shall require that surface water management systems be designed and operated consistent with the Town's adopted drainage level of service. The Town shall continue to make efforts to prevent negative impacts from development of the Indian River Lagoon and its tributaries designated as Class II Waters, by implementing, and revising when necessary, the adopted surface water protection regulations.

5-1.1.3 Policy:

*Protect, Stabilize, and Enhance the Estuarine Shoreline.* Compliance with the approved permits from state, federal or other local governments, when applicable, for protection of submerged and shoreline resources shall be incorporated into the Town planning process. Where deemed appropriate by the Town, the site plan shall include the planting of native shoreline vegetation to promote shoreline stability and protect water quality.

5-1.1.4 Policy:

*Protect Living Marine Resources, Coastal Marsh, and Seagrass Beds.* Consistent with ECFRPC policies, activities within an estuarine basin and/or coastal marsh area that will adversely impact seagrass beds and other valuable submerged aquatic vegetation shall be prohibited, unless an overriding public benefit can be shown, and adequate mitigation and monitoring measures are included.

5-1.1.5 Policy:

*Manage Impact of Coastal Development on Tidal Flushing and Circulation Patterns.* Tidal flushing and circulation patterns generally shall not be altered by development activities. No development shall produce changes in the tidal flushing and circulation patterns unless the Town and other public agencies having jurisdiction have granted requisite permits. No such permit shall be granted by the Town unless all other agencies having

jurisdiction have granted clearance and the applicant has submitted hydrographic information sufficient to clearly demonstrate that no adverse environmental impacts shall be occasioned by the proposed changes in tidal flushing and circulation patterns. Finally, no alteration in tidal flow shall be permitted which causes stagnation or siltation.

5-1.1.6 Policy:

*Promote propagation of Fish and Wildlife.* The Town shall incorporate procedures for coordination with the Florida Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service and the Marine Resources Council of East Central Florida, as appropriate, in reviewing the implications of development proposals, including proposed subdivisions and site plan review petitions. Such coordination shall be designed to assist in identifying potential adverse impacts of the proposed development on wildlife including marine habitats and fisheries.

5-1.1.7 Policy:

*Managing Spoil Islands.* The Town shall coordinate with the Florida Inland Navigation District and the Spoil Island Working Group (SIWG) to promote management of the Spoil Islands for environmental benefit and for recreation compatible with environmental benefits.

5-1.2 Objective:

*Prioritizing Shoreline Uses and Promoting Public Access to Shoreline.* The Town shall prioritize shoreline uses, giving priority to water dependent uses.

5-1.2.1 Policy:

*Implementing Policies for Shoreline Land Uses.* In developing land use policies for shoreline uses, first priority shall be directed toward:

- a. Non-structural shoreline protection uses such as native shoreline revegetation programs;
- b. Approved water-dependent estuarine shoreline uses such as: fish and wildlife production, recreation, pervious accessways, small dock facilities and residential multi-slip dock facilities without commercial fuel tanks or other commercial services;
- c. Water related or enhanced uses such as utilities requiring access to water, water enhanced recreation, and other water related uses consistent with the land development code. Lowest priority shall be directed to non-water dependent uses.

Second priority shall be direction toward water-related uses such as:

- a. Parking facilities for shoreline access;

- b. Residential structures which comply with the building code for structures within the coastal building zone; and
- c. Recreational facilities which comply with applicable codes.

5-1.2.2 Policy:

*Public Access:* There is no publicly owned waterfront or designated public water access in the Town. The Tow shall explore the possibility of obtaining grants, gifts, contributions, and other financial resources for the purchase of land contiguous to the Indian River and explore appropriate joint public and private ventures to provide public access to the Indian River.

5-1.2.3 Policy:

*Coastal Preserve:* The Town shall maintain the Coastal Preservation designation along the shoreline parcels and ensure these parcels are restricted to water access uses.

5-1.2.4 Policy:

*Blueway Programs:* Coordinate with blueway programs in waterfront access programs to the fullest extent possible.

5-1.2.5 Policy:

*Partnerships:* The Town shall consider partnerships with homeowners' associations and non-profit organizations that have water access facilities to increase waterfront access by 2011.

5-1.3 Objective:

*Limit Public Expenditures in the Coastal High-Hazard Area.* The Town shall limit future public expenditures for new infrastructure which subsidize growth within the coastal high-hazard areas, except for restoration or enhancement of natural resources.

5-1.3.1 Policy:

*Public Investment in Coastal High-Hazard Area.* The Town shall limit future public expenditures for new infrastructure which will subsidize growth within the Coastal High Hazard Area. Expenditures for restoration and maintenance are exempt from these limitations and expenditures for the enhancement of natural resources or for public land acquisition is encouraged.

5-1.3.2 Policy:

*Coastal High Hazard Areas Infrastructure.* The Town shall examine the inventory of existing infrastructure in the Coastal High Hazard Areas and

give consideration for the relocation, mitigation, or replacement, as deemed appropriate by the Town, of the existing inventory when state funding is anticipated to be needed.

5-1.4 Objective:

*Avoid Permanent Population Concentrations in Coastal High Hazard Areas.* Direct permanent population concentrations away from known or predicted coastal high hazard areas.

5-1.4.1 Policy:

*Restrict Development in Coastal High Hazard Areas.* The Town shall through land use designation and development review, regulate and limit the type of uses in the designated Coastal High Hazard Area. Protection of human life and protection of natural resource systems shall be maximized. The Town shall direct population concentrations away from known or predicted High Hazard Areas.

5-1.5 Objective:

*Hurricane Evacuation.* The Town shall coordinate with the County in attaining a hurricane evacuation time of less than twelve (12) hours for a Category III storm.

5-1.5.1 Policy:

*Hurricane Evacuation Logistical Support.* In order to prevent unnecessary evacuees crowding roads and shelters, the Town shall coordinate with the County in disseminating information concerning the need of residents to evacuate at various hurricane threat levels. The Town shall coordinate with the County and the Brevard County Emergency Management Director in assisting the implementation of the County's campaign to educate the general citizenry regarding emergency preparedness plans, including specific citizen directives.

5-1.5.2 Policy:

*Continued Planning and Coordination with the County in Emergency Preparedness, Including Advance Plans for Safe Evacuation.* In order to provide for safe and efficient evacuation of the residents of the Town of Malabar and other communities in the event of a hurricane, the Town shall continue to plan and coordinate with Brevard County in annual updates of the Brevard County Emergency Management Plan, including the evacuation plan. This update shall enable the County and incorporated municipalities to plan for future population densities to ensure compliance with the adopted LOS established in this Plan.

The Town shall also coordinate with the County in updating hurricane evacuation shelter assignments as well as other policy formulation surrounding land use and emergency preparedness.

5-1.5.3 Policy:

*Emergency Shelter.* The Town shall explore the feasibility of the utilization as qualified emergency shelter space, any newly constructed public buildings.

5-1.6 Objective:

*Hazard Mitigation and Coastal High Hazard Areas.* The Town shall carry out development activities in a manner which minimizes the danger to life and property occasioned by hurricane events.

5-1.6.1 Policy:

*Coastal High Hazard Area Defined.* Pursuant to Chapter 163.3178(2)(h) F.S. the "Coastal High Hazard Areas" (also referred to as "high hazard coastal areas") means the area below the elevation of the category 1 storm surge. Coordinate with the Florida Department of Emergency Management for future map updates based upon the Sea, Lakes and Overland Surges from Hurricanes (SLOSH) computerized storm surge models and update the Comprehensive Plan as appropriate.

5-1.6.2 Policy:

*Coordinate Update of the Hazard Mitigation Plan.* The Town shall coordinate with the County in updating the hazard mitigation annex of the Local Peacetime Emergency Plan pursuant to the five (5) year interval schedule adopted by the County. Updates of the Plan shall identify specific actions that may be implemented to reduce exposure to natural hazards. The current Plan contains no inter-agency hazard mitigation component.

5-1.6.3 Policy:

The Town shall maintain consistency with the program policies of the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Administration (FEMA) and shall monitor new cost-effective programs for minimizing flood damage. Such programs may include modifications in construction setback requirements or other site design techniques for best management practices, as well as upgraded building and construction techniques. The Town's adopted flood protection regulations shall be amended as necessitated by changes in FEMA regulations.



5-1.6.4 Policy:

Development and redevelopment site plans shall be reviewed for compliance with the Goals, Objectives, and Policies in the Town's Comprehensive Plan, as well as consistency with flood resistant construction methods. T

5-1.6.5 Policy:

The Town shall administer Land Development Regulations to protect public and private property from the effects of hurricane winds. The Land Development Regulations will be reviewed and updated as appropriate.

5-1.7 Objective:

*Post Disaster Redevelopment.* The Town shall plan for providing immediate response to post disaster situations.

5-1.7.1 Policy:

*Post Disaster Recovery.* The Town shall develop and adopt a Post Disaster Redevelopment Plan, no later than January 2010, designed to increase public safety and reduce damages and public expenditures. The Plan shall provide a basis to:

- a. Ensure a means to restore economic activity;
- b. Establish a framework for deciding whether to implement a temporary moratorium on building activity as may be required for public safety;
- c. Develop procedures for reviewing and deciding upon emergency building permits;
- d. Coordinate with State and Federal officials to prepare disaster assistance applications;
- e. Analyze and recommend to the Town Commission hazard mitigation options, including reconstruction or relocation of damaged public facilities;
- f. Recommend amendments to the Local Peacetime Emergency Plan and other appropriate policies and procedures; and
- g. Ensure timely re-entry by Town residents following an evacuation.

5-1.7.2 Policy:

*Post-Hurricane Assessments.* Following a hurricane event and prior to re-entry of evacuees into the evacuated area, the Town Council shall meet to hear preliminary damage assessments and to appoint a Recovery Task Force comprised of the Building Official and others as determined by the Town Council. The Recovery Task Force shall consider the following issues:

- a. Establishing a temporary moratorium on building activity;
- b. Reviewing and deciding upon emergency building permits. The redevelopment and rebuilding of facilities that encourage growth in vulnerable areas shall be limited to those activities required to extend necessary public services to existing development;
- c. Coordinating with the State and Federal officials to prepare disaster assistance applications;
- d. Analyzing and recommending to the Town Council hazard mitigation options, including reconstruction or relocation of damaged public facilities;
- e. Analyzing and recommending any needed Comprehensive Plan amendments which reflect the recommendations contained in any inter-agency hazard mitigation reports or other reports prepared pursuant to §406, Disaster Relief Act of 1974 (PL 93-288) and;
- f. Recommending amendments to the Local Peacetime Emergency Plan and other appropriate policies and procedures.

5-1.7.3 Policy:

*Repair and Cleanup:* In planning post-disaster redevelopment activities, factors to be considered in order to protect the public health and safety shall include:

- a. Repairs to potable water, wastewater and power facilities;
- b. Removal of debris;
- c. Stabilization or removal of structures in a perilous condition; and
- d. Minimal repairs to make structures habitable.

These considerations shall receive first priority in determining the appropriateness of emergency building permits. Long term redevelopment

activities shall be postponed until the Recovery Task Force has coordinated immediate repair and clean-up operations.

5-1.7.4 Policy:

*Hazard Mitigation.* The Town shall coordinate with emergency management officials when making land use decisions, capital improvements and creating other planning initiatives. The Town shall, as deemed appropriate, incorporate the recommendations of the hazard mitigation annex of the local peacetime emergency plan and applicable existing interagency hazard mitigation reports into the planning programs.

5-1.7.5 Policy:

*Redevelopment Plans.* If structures receiving storm damage in excess of fifty (50%) percent of their appraised value shall be rebuilt, such structures shall meet all current laws and ordinances, including those enacted since construction of the subject structure. The Town shall authorize redevelopment up to the actual built density in existence on the property prior to the natural disaster.

5-1.7.6 Policy:

*Establish Building Facilities Review Committee.* The Planning and Zoning Board shall be the Town's designated Public Facilities Review Committee charged by the Town Council with the responsibility for reviewing available alternatives for managing damaged public facilities following a hurricane event. The Committee shall evaluate future options for such facilities, including but not limited to, abandonment, repair in place, relocation, and reconstruction with structural modifications. The Committee shall consider these options based on the following considerations:

- a. Cost to construction
- b. Cost to maintain;
- c. Best management practices
- d. Recurring damages;
- e. Impacts on land use;
- f. Impacts on the environment;
- g. Public sector; and
- h. Other relevant factors.

5-1.7.7 Policy:

*Contingency Fund for Disaster Assistance.* The town shall maintain a contingency fund in order to cover the Town required match for disaster assistance grants.

#### 5-1.8 Objective:

*Historic Resources.* The Town shall assure that there shall be no loss of historic resources on Town owned property and land development proposals shall assure that historic resources on private property shall be protected, preserved, or reused in a manner sensitive to the historic properties of the site and/or structure.

#### 5-1.8.1 Policy:

*Promote Identification of the Town's Historic, Archaeological, and Cultural Resources.* The Town shall coordinate with the Florida Office of Cultural and Historic Preservation and the South Brevard Historical Society in continuing to identify, protect, analyze, and explain the Town's historical, archaeological, and cultural resources.

#### 5-1.8.2 Policy:

*Performance Standards for Protecting Sites of Historic or Archaeological Significance.* The Town shall require Land development proposals include precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance:

- a. Destruction of alternation of all or part of such a site;
- b. Isolation from, or alteration of the surrounding environment;
- c. Introduction of visual, audible, or atmospheric elements that are out of character with a property or alter its setting;
- d. Transfer or sale of the site of significance without adequate conditions or restrictions regarding preservation, maintenance, use, or re-use;
- e. Vegetation removal shall not be permitted on a historic or archaeological site unless the vegetation to be removed is a part of a duly authorized scientific excavation, or is a part of an approved development plan; and
- f. Other forms of neglect resulting in resource deterioration.

#### 5-2.8.3 Policy:

*Alternatives to Preserving Historic or Archaeological Sites.* As an alternative to preserving historic or archaeological sites, the owner of impacted lands may allow excavation of the site by the Bureau of Archaeological Research or another State approved entity prior to development. Should a site be scientifically excavated in this manner, development may proceed following completion of the scientific excavation by the approved entity.

#### 5-1.9 Objective:

*Public Services in Coastal Area.* The level of service standards, service areas, and proposed phasing stipulated in other elements of the Comprehensive Plan for facilities in the coastal area and additional standards under this objective shall be applied whenever development orders or permits are requested.

##### 5-1.9.1 Policy:

*Coordinate Timing and Staging of Public Facilities with Private Development.* The Town shall assure that future development is directed only to those areas where public facilities which meet the Town's adopted level of service standards are available concurrent with the impacts of the development. In order to assure appropriate timing and staging no occupancy permit shall be granted until infrastructure and services required by respective developments are in place and available for use by the development.

#### 5-1.10 Objective:

*Intergovernmental Coordination within the Coastal Area.* Establish an intergovernmental coordination mechanism to manage coastal resources within the jurisdiction of more than one local government or public agency and assist in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including the Indian River Lagoon and other natural systems within the Town.

##### 5-1.10.1 Policy:

*Intergovernmental Coordination within the Coastal Area.* The Town shall coordinate with Brevard County, the City of Palm Bay and appropriate regional, State, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- a. The Town shall coordinate with Brevard County and the University of Florida Brevard County Extension Service on the development of the Brevard County Comprehensive Maritime Management Master Plan (CM3P).
- b. Coordinate with the City of Palm Bay to assure that all future development shall be timed and staged to assure that requisite infrastructure and services are available to respective developments concurrent with the impacts of the development.
- c. All applications for development activity impacting waters of the State as well as tidally influenced coastal marsh, or other lands under the

jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.

- d. The Town shall coordinate with the SJRWMD as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.
- e. Coordination with the East Central Florida Regional Planning Council (ECFRPC) in preparing the Strategic Regional Policy Plan and amendments thereto to assure consistency with the ECFRPC Plan. In addition, the Town shall coordinate other planning issues of regional significance with the ECFRPC.

#### 5-1.11 Objective:

*Continuing Evaluation of Coastal Management Element Effectiveness.* The Town shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element.

##### 5-1.11.1 Policy:

*Review the Impact of Changing Conditions on Coastal Management Policy.* The Town shall maintain its communications with the St Johns River Water Management District, the County and the Marine Resources Council of East Central Florida and other applicable agencies regulating and monitoring the natural resource systems to remain current regarding any significant changes in the characteristics of natural coastal resources. Policy implications of such changes shall be examined, and corrective measure shall be pursued. Coastal management policies shall be refined as needed to remain responsive to evolving problems and issues.

##### 5-1.11.2 Policy:

*Schedule, Budget, and Implement Programmed Activities.* The timely scheduling, programming, budgeting, and implementation of programmed coastal management activities identified in this Element shall be evidence of the Town's effectiveness in carrying out a systematic program for implementing coastal management goals, objectives, and policies.

##### 5-1.11.3 Policy:

*Coordinate with Public and Private Sectors.* While continually implementing and evaluating the Coastal Management Element, the Town shall maintain a process of intergovernmental coordination as well as coordination with private sector groups interested in coastal management policy and

programs. The effectiveness of this approach shall be evaluated by the success of coordination mechanisms in resolving coastal management problems and issues.

5-1.11.4 Policy:

*Achieve Effective Resolution of Coastal Management Goals, Objectives, and Policies.* The effectiveness of the Coastal Management Element shall be measure by the Town's success in achieving coastal management goals objectives, and policies. The Coastal Management Element incorporates a systematic planning process for identifying coastal management problems and issues and implementing corrective actions.

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 4**  
**Meeting Date: May 20, 2019**

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

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**SUBJECT: Approve Resolution 08-2019 Naming FI Sandhill Crane**

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**BACKGROUND/HISTORY:**

Attached is a resolution naming the Florida Sandhill Crane as the Town's official bird and stating the birds would enjoy extra protection within Malabar. This will be accomplished through increased education of the residents through articles in the Mailboat.

**ATTACHMENTS:**

Resolution 08-2019

**ACTION OPTIONS:**

Approve Reso 08-2019.



## RESOLUTION 08-2018

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE FLORIDA SANDHILL CRANE AS THE TOWN BIRD AND PROVIDING EXTRA PROTECTION FOR THESE BIRDS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Malabar Town Council intends to designate the Florida Sandhill Crane as the official bird of the Town of Malabar.

**WHEREAS**, The Lesser Sandhill Crane (*Grus Canadensis Pratensis*) and Greater Sandhill Crane (*Grus Canadensis Tabida*) inhabit our region more abundantly than any other crane in the State of Florida.

**WHEREAS**, The Florida Sandhill Crane is protected by the U. S. Migratory Bird Treaty Act and as a State designated Threatened species by Florida's Endangered and Threatened Species Rule.

**WHEREAS**, The Florida (lesser) Sandhill Crane inhabits prairie, marshland and wetlands throughout Malabar. Also, the Greater Sandhill Crane (*Grus Canadensis Tabida*) winters in Florida between October- March. They forage for grains and invertebrates in this environment.

**WHEREAS**, The Town of Malabar will incorporate the Florida Sandhill Crane in marketing materials for the Town and utilize means of education and protection of this valuable component of our community by protecting their habitat.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Malabar, Florida, as follows:

**SECTION 1.** The Florida Sandhill Crane is hereby adopted and designated as the official bird of the Town of Malabar.

**SECTION 2.** All citizens of the Town of Malabar are encouraged to recognize the Sandhill Crane as the Official Bird of the Town of Malabar and are further encouraged to consider protecting and promoting the Sandhill Crane by not feeding the birds and protecting their habitats. The public should pay careful attention while traveling on the roads of the Town to the presence of Sandhill Cranes and should make every effort to: 1. slow down their travel speed to ten miles below the posted speed when Sandhill Cranes are present on or near such roads, 2. avoid vehicular incidents with Sandhill Cranes, 3. stop when necessary to avoid vehicular incidents with Sandhill Cranes, and 4. ensure that the continued presence of Sandhill Cranes will endure.

**SECTION 3.** To the extent applicable, the Town of Malabar will work with the Town of Grant-Valkaria to develop and incorporate the Florida Sandhill Crane into marketing materials.

**SECTION 4.** This resolution shall take effect immediately upon its adoption.

**SECTION 5.** All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

**SECTION 6.** This Resolution shall take effect immediately upon passage.

This Resolution 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 Steve Rivet \_\_\_\_\_

Council Member Dick Korn \_\_\_\_\_

Council Member Danny White \_\_\_\_\_

This Resolution was then declared to be duly passed and adopted this 20th day May 2019.

**TOWN OF MALABAR**

By:

ATTEST:

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

\_\_\_\_\_  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer

(seal)

Approved as to Form and Content:

\_\_\_\_\_  
Karl W. Bohne, Jr.,  
Town Attorney  
PASSED AND ADOPTED



wetlands, fields, and prairies across North America. They group together in great numbers, filling the air with distinctive rolling cries. Mates display to each other with exuberant dances that retain a gangly grace. Sandhill Crane populations are generally strong, but isolated populations in Mississippi and Cuba are endangered.

[More ID Info](#) ((guide/Sandhill\_Crane/id))

## ✓ Cool Facts

- The Sandhill Crane's call is a loud, rolling, trumpeting sound whose unique tone is a product of anatomy: Sandhill Cranes have long tracheas (windpipes) that coil into the sternum and help the sound develop a lower pitch and harmonics that add richness.
- Sandhill Cranes are known for their dancing skills. Courting cranes stretch their wings, pump their heads, bow, and leap into the air in a graceful and energetic dance.
- The elegance of cranes has inspired people in cultures all over the world—including the great scientist, conservationist, and nature writer Aldo Leopold, who wrote of their “nobility, won in the march of aeons.”
- Although some start breeding at two years of age, Sandhill Cranes may reach the age of seven before breeding. They mate for life—which can mean two decades or more—and stay with their mates year-round. Juveniles stick close by their parents for 9 or 10 months after hatching.
- The earliest Sandhill Crane fossil, estimated to be 2.5 million years old, was unearthed in the Macaspahlt Shell Pit in Florida.
- Sandhill Crane chicks can leave the nest within 8 hours of hatching, and are even capable of swimming.
- The oldest Sandhill Crane on record was at least 36 years, 7 months old. Originally banded in Wyoming in 1973, it was found in New Mexico in 2010.

[Explore Maps](#)  
((guide/Sandhill\_Crane/maps-range))

## Find This Bird

Sandhill Cranes are large birds that live in open habitats, so they're fairly easy to spot if you go to the right places. In summer look for them in small bogs, marshes, and prairies across northern North America and the southeastern United States. In winter they form immense flocks in places like Bosque del Apache, New Mexico, and Anahuac National Wildlife Refuge, Texas. Their bugling calls are unique and can be heard from miles away—they can help alert you to this species' presence, particularly as they pass overhead on migration.

### OTHER NAMES

Grulla Canadiense (Spanish)

Grue du Canada (French)



The Cornell Lab 

**FREE BIRDHOUSE PLANS**

Give birds a home in your yard!

[CHOOSE A PLAN >>](#)