



Planning and Zoning Board Meeting

Wednesday, January 13, 2021 at 6:00 pm

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

APPROVAL OF MINUTES

a. Approval of Minutes of 12/15/2020

Exhibit: Agenda Report Number 4a

Recommendation: Request Approval

Attachments:

- **Agenda Report Number 4a** (Agenda_Report_Number_4a.pdf)

5. PUBLIC HEARING
6. ACTION ITEMS
7. DISCUSSION: 2

a. Amending Land Development Code for Residential/Mobile Home (RMH) for 6 units per acre and Discuss Recreational Vehicle Parking (RVP)

Exhibit: Agenda Report Number 7a

Recommendation: Discussion & Action to Council

Attachments:

- **Agenda Report Number 7a** (Agenda_Report_Number_7a.pdf)

b. Discuss Planning & Zoning Monthly Meetings (Days & Times)

Exhibit: Agenda Report Number 7b

Recommendation: Discussion & Action to Council

Attachments:

- **Agenda Report Number 7b** (Agenda_Report_Number_7b.pdf)

8. ADDITIONAL ITEMS FOR FUTURE MEETING

9. PUBLIC COMMENTS

10. OLD BUSINESS/NEW BUSINESS

a. Old Business

b. New Business

Board Member Comments

Next regular Meeting - January 27, 2021 (Tentatively)

11. ADJOURNMENT

Contact: Denine Sherear (dsherear@townofmalabar.org 13217277764) | Agenda published on
01/08/2021 at 4:46 PM

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4.a

Meeting Date: January 13, 2021

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

The minutes must reflect the actions taken by the Board:

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

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

ATTACHMENTS:

Draft minutes of P&Z Board Meeting of 12/15/2020

ACTION OPTIONS:

Secretary requests approval of the minutes.

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

**SPECIAL MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
DECEMBER 15, 2020 6:30 PM**

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

1. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 6:32 P.M. Prayer and Pledge led Chair Wayne Abare.

2. ROLL CALL:

CHAIR: WAYNE ABARE
VICE-CHAIR: LIZ RITTER
BOARD MEMBERS: MARY HOFMEISTER
DOUG DIAL
GEORGE FOSTER
ALTERNATE: SUSAN SHORTMAN
ALTERNATE: JEFF RINEHART
BOARD SECRETARY: DENINE SHEREAR

ADDITIONAL ATTENDEES:

TOWN ATTORNEY: KARL BOHNE
TOWN MANAGER: LISA MORRELL
TOWN PLANNER: TOD MOWERY
COUNCIL MEMBER

3. ADDITIONS/DELETIONS/CHANGE:

4. CONSENT AGENDA:

4.a. **Approval of Minutes** Planning and Zoning Meeting – 11/17/2020

Exhibit: Agenda Report No. 4.a
Recommendation: Request Approval

**Motion: Ritter/Foster to Approve Minutes for November 17, 2020 as amended, All Vote
: Aye**

Corrections:

Hofmeister & Dial were excused from the meeting of 11/17/2020 please note in minutes that Alternates Shortman and Rinehart voting in their places. Sherear added this to the minutes of 11/17/2020.

5. PUBLIC:

6. ACTION:

7. DISCUSSION:

7.a. **Amending District Provisions Article III Table 1-3-3(A) for R/LC**

Exhibit: Agenda Report No. 7.a.
Recommendation: Discussion & Action to Council

Abare discussed the summary noted on the Agenda Report of 7a. and the size of buildings. Abare said the minimum square footage in R/LC (Residential/Limited Commercial) 4000 sq. ft maximum

and 4,000 sq. ft is too small for large parcels. Attorney Bohne stated this is for Commercial Buildings in R/LC. Attorney Bohne clarified that currently the minimum lot size in R/LC is 20,000 sq. ft..

Abare said that 20% maximum coverage is the consensus. The Board discussed larger parcels and commercial uses and exclusions for businesses.

Susan could put block of business on bottom and residential on top for R/LC.

TM Morrell, the reason for this discussion is there is a difference in the Amended Comp Plan. it has two numbers Limited Commercial (LC) is 20% and the text descriptions has LC is 4, 000 sq.ft. The reason this is still being discussed is to Amend the Comp Plan and sent to the State for correction for small scale. It is limited to a small amount of parcels in the Town approx. 30 to 26. Morrell said that Tod Mowery our Town Planner is present along with Attorney Karl Bohne for any questions.

Abare talked to Mayor and Council Members discussed R/LC that "R" is first letter Residential and "LC" is Limited Commercial, for neighborhood stores, ex. dollar General stores limit of we do not want a box store. Foster discussed the 20% limits to what can be developed.

Abare asks for Town Planners input.

Tod, Town Planner

- Involve a large sale comp plan amendment
- Typically, a percentage is used in determining size of a building (Tod reviewed other municipalities in the area and 20% is the lowest and 40 % is the highest)
- Other adjacent municipalities use a 20% and this will keep the area more rural atmosphere.
- A lot of things come into play setbacks, open spaces, lot coverage, etc. to regulate the area.
- The Minimum lot size determines is how it is dealt with whatever district it is and use it as a guide make it simple, easy, and realistic.

Tod said the soil type and how the soil percolates on the property, storm water is 12 to 15 % general rule to set aside if a big box store comes in other communities are conditional use to give additional elements is another process.

Attorney Bohne said it up to Town Council with the input from the PZ Board

- The Comp Plan being the controlling land document in the Code book size is maximum 4,000 sq. ft in the R/LC Commercial
- The Code has a minimum lot size of 20,000 sq ft
- 20% maximum building coverage

The conflict is that the zoning and Comp Plan have to be consistent, either 4,000 sq, ft or 20%. The desire is to be 20% and direct back to Council for a Cop Plan Amendment.

The Board discussed the percentage vs the sq ft and the consensus is:

Foster- 20%

Abare- doesn't agree

Dial- leaning toward 20%

Hofmeister- said 20 % is way to go

Jeff-20%

Susan-20%

Motion: Foster/Ritter Recommend to Town Council to Amend the Com Plan to remove the 4,000 sq. ft Building Coverage in the R/LC mixed Use Development and Maintain a 20% maximum lot coverage. All Vote, Roll Call Vote: Foster; Aye, Dial; Aye, Ritter; Aye, Hofmeister; Aye, Abare; Nay

Motion passed 4 to 1

Ritter discussed about R/LC being classified as Commercial, in the explanation it is Residential this affects insurance and taxes. Ritter said it is in the Land Development Code that R/LC is intended to be Residential if they live there, until they come in to establish a business on the property for Commercial Use.

Attorney Bohne said where it is mixed use the Property Appraiser's is not going to give complete tax exemption.

Motion: Ritter/Hofmeister Recommend to Council to also change the Malabar Land Development Code that reflects the R/LC is Residential until someone comes in for Commercial Use. All Vote Roll Call Vote: Foster; Aye, Dial; Aye, Ritter; Aye, Hofmeister; Aye, Abare; Aye

Motion passed 5 to 0

Attorney Bohne will "word smith" the above motion to bring before Council concerning R/LC Land Development Code Description.

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <p>7.b. Amending Article XIX Signage, Section 1.19.18 District Regulations Residential vs Non- Residential concerning square footage</p> <p>Exhibit:</p> <p>Recommendation:</p> | <p>Agenda Report No.7.b</p> <p>Discussion & Action to Council</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|

The Board discussed the signage review, Ritter said that only the Commercial was reviewed not the Residential in both it is 32 sq ft. Abare reviewed the background on the Commercial VS Non-Commercial sign regulations that might have been reversed.

Interim TM Morrell explained during elections a large sign (32 sq ft) was placed on a residential site. She looked at the Code, refers to "general outdoor" signage and asked about a permit but it is an election sign, so it fall outside the Code. Town Table 1-19.18 shows it is Residential 4ft x 8 ft = 32 sq ft and Non Residential 10 sq ft or 3 sq ft.. It was brought before Town Council and they said to send back to the PZ Board to discuss and review. The Commercial would need more signage area and the Non-Commercial would need less. A suggestion is to reverse the Residential VS Non-Residential size, it is for your discussion.

The Board discussed the Signage Table and explained that the PZ Board only went over the Non-Residential.

Attorney Bohne explained the Amendment for signage prior only had to do with the sign "Content" only. The sign regulation has been there and was never changed since probably the sign code was drafted.

The consensus of the Board:

- Foster, Dial
- 16 Residential 32 Non- Residential

- Ritter, Hofmeister
10 Residential 32 Non- Residential
- Susan, Jeff
16 Residential 32 Non- Residential

Motion: Hofmeister/ Ritter Recommendation to Council to change the Residential signage to 16 square feet and Non-Residential signage increases to 32 square feet. All Vote Roll Call Vote: Foster; Aye, Dial; Aye, Ritter; Aye. Hofmeister; Aye, Abare; Aye

Motion passed 5 to 0

Abare, thanked the Staff for attending (Attorney Bohne, Planner Mowery, and Interim TM Morrell)

- 8. **Blank**
- 9. **ADDITIONAL ITEMS FOR FUTURE MEETING**
- 10. **PUBLIC**
- 11. **OLD BUSINESS/NEW BUSINESS:**

Old Business:

Interim TM Morrell gave brief description of the Review of Ordinance 2020-14 for Mobile Food Vendors at last Council Meeting.

New Business:

Chair Abare & PZ Board discussed moving the meeting time to 6:00PM, Hofmeister/Ritter made "motion" consensus was unanimous.

Reminder: Next Meeting – January 13, 2020

K. ADJOURN

There being no further business to discuss, **MOTION: Hofmeister/Dial to adjourn this meeting.**
Vote: All Ayes. The meeting adjourned 7:30 P.M.

BY:

Wayne Abare, Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 7.a.
Meeting Date January 13, 2021

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

SUBJECT: Amending Land Developing Codes for Residential/Mobile Homes (RMH) for 6 units per acre and Discuss Recreation Vehicle Parking (RVP)

BACKGROUND/HISTORY:

Town Staff has received inquires regarding the number of units permitted in Residential Mobile Home Park (R-MH) for Recreation Vehicle Parking. Presently we have a zoning for Residential Mobile Homes with usage of Recreation Vehicle Parking in our District Provision, Article III.

We are bringing this before this Board to review and clarify our Code, the description of units per acre and requirements needed.

In review of the Malabar Town Code now permits six (6) units per acre for existing parks that have Mobile Homes and Recreation Vehicles.

Our Town Planner can answer questions and share surrounding municipality requirements.

This Board can discuss and make Recommendation to Council to Amend the Land Developing Code to include Recreation Vehicle Parking (RVP) & units per acre to forward on to Council.

ATTACHMENTS:

- Table of adjacent Municipalities
- Agenda Item 11k November 2, 2020 by Interim TM Morrell, Reference to Amending Land Development Code Article III District Provisions "R-MH" Residential- Mobile Homes.

ACTION OPTIONS:

Discussion/ Action to Council

Table of Adjacent Municipalities

Name	R-MH	RVP	Unit Per Acre
Town of Malabar	yes	yes	6
Rockledge	yes		6
Rockledge		yes	15
Cocoa			per set backs
Melbourne Beach	yes	yes	N/A

R-MH Residential Mobile Homes
RVP Recreation Vehicle Parking

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 11.k.
Meeting Date: November 2, 2020

Prepared By: Lisa Morrell, Interim Town Manager

SUBJECT: Consideration of Amending of Land Development Code / Article III District Provisions

BACKGROUND/HISTORY:

Town staff as conferred with potential individuals and or representatives of developers of vacant and unimproved land for construction or improvements to zoning district of "Residential Mobile Homes (R-MH) in recent months. During those discussions, with no applications requested, it has been noted that the Town's Code of Ordinances, Land Development Code, Article III, section 1-3.1. - Purpose and intent of districts, item F titled R-MH allows for six (6) units per acre to be developed in the R-MH zone conflicts with the number of units per acre of developed and existing R-MH zones.

Section 1-3.1. - Purpose and intent of districts.

This section presents the basic purpose and intent of each zoning district.

"F. R-MH "Residential Mobile Homes." The R-MH district is established to implement comprehensive plan policies for managing high density mobile home residential development. The district is designed for managing mobile home development at a density not to exceed six units per acre. The district is intended to provide sites for mobile home development within existing established mobile home parks."

Staff reviewed two existing R-MH zones for research and validation:

Enchanted Lakes located at 750 Malabar Road with a gross acreage of 19.1 acres is occupied with 77 Mobile Home units and 71 Recreation Vehicle units. The Town's code is moot to density calculation for net acreage*, therefore using the gross acreage of 19 with the multiplier of 6, per the Town's code the number of units that should exist would be 54 units.

Camelot RV Park located at 1600 South US1 has a gross acreage of 15.94 acres and is occupied with 145 Sites. Per the code, the site should have a maximum number of 96 units.

*Net acreage consists of the total acreage within the site excluding: water bodies, wetlands, public rights of ways, acreage dedicated to public use (parks, common facilities, utility services), or acreage dedicated to other uses (ex. commercial, office, industrial, institutional).

ACTION OPTIONS:

Request for Town Council's direction to have the staff provide a report to the Planning and Zoning Board for discussion and public hearing notice and requirements for Town Council's advisement and consideration.

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 7.b.
Meeting Date: January 13, 2021

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

SUBJECT: Discuss Planning & Zoning Monthly Meetings (Days & Times)

BACKGROUND/HISTORY:

Discussion on recommending that the Planning & Zoning Advisory Board meet once a month at 6:00PM the Board currently meets twice a month, the second and fourth Wednesdays at 6:00PM.

Some of our Staff is contractual such as the Attorney, Town Planner, Fire Marshal, and Town Engineer. This benefits the Board for Staff to be in attendance to answer questions and assist with recommendations to Town Council in a professional manner.

We will accommodate any situation if any additional meetings are needed.

ATTACHMENTS:

- Portion of Malabar Code of Ordinances Volume I, 2-250(3) Administration referencing Planning and Zoning Board Rules of Procedure

“(3) Rules of procedure. The planning and zoning board shall establish and adopt rules of procedure subject to approval by the town council, which include policies for, but not limited to, election and duties of officers; meeting schedule, time, and place; establishing order of business and method of transaction; procedure for action and voting by members; conduct of public hearings; rules of conduct; parliamentary procedure; maintenance of records; and method of amending same.

- a. Officers. The Planning and zoning board shall elect a chairman and a vice chairman from among its members. The board shall appoint a secretary who may be an employee of the town.*
- b. Meetings. The board shall meet at regular intervals to be determined by it and at such other times as the chairman or board may determine. It shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings and determinations. Such record shall be a public record. All meetings of the board shall be public.”*

ACTION OPTIONS:

Discussion/Memo to Council




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

- (a) *Establishment and purpose.* The planning and zoning board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The planning and zoning board is advisory in nature. Members of the board shall hold no other town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five (5) votes) shall be necessary for the adoption of any motion. The planning and zoning board deals with land use issues such as site plans, conditional uses, special exceptions, residential subdivision developments, plats, replats and zoning change requests. They also review and compile updates for the comprehensive plan and present to council. They shall also draft land development code to conform to changes adopted by council to the comprehensive plan. They shall annually prepare a capital improvement projects list to submit to council. Some of the issues that the board considers will be quasi-judicial and staff will alert them to those situations.
- (1) *Alternate member duties.* The alternate member of said planning and zoning board may attend all meetings of the planning and zoning board but shall act only in the absence, disability, abstention from voting or disqualification of a regular member thereof. The alternate members shall alternate to act in the place and stead of a regular voting member. When an alternate member acts, the minutes of the planning and zoning board shall reflect the name of the absent, disabled or disqualified member in whose place and stead the alternate is acting. Alternate members may always participate in board deliberations and debate, but they may make motions and vote only in the absence or voting disqualification of a regular member or the vacancy in a regular member's seat.
- (2) *Local planning agency.* The Malabar Planning and Zoning Board is hereby designated the local planning agency in accordance with F.S. 163, the Local Government Comprehensive Planning Act and as such shall conduct the comprehensive planning program and prepare the elements or portions of the comprehensive plan for presentation and approval by the town council.
- (3) *Authority and functions of planning and zoning board.* The authority of the planning and zoning board is intended to be advisory only. Nothing herein shall be construed to grant to the planning and zoning board final decision making authority. The planning and zoning board shall review proposed site plans, developments, subdivisions, zoning or land use changes for consistency with the Town Code and comprehensive plan and forward their recommendations to council in writing. If any such application is recommended for denial, the written recommendation shall state specifically what provision of the Code or comprehensive plan was not met. The planning and zoning board shall review and recommend updates to the capital improvement plan annually. They shall also undertake any other duties assigned to them by council.
- (4) *Land development regulations.* The planning and zoning board shall be familiar with the Malabar Land Development Regulations contained in the Land Development Code portion of the Malabar Code. These regulations are found in the chapters identified as Article I (Preamble) Article XX (Definitions) as updated from time to time. F.S. 163 mandates that local governments adopt and enforce land development regulations. Those regulations shall be consistent with their adopted comprehensive plan. That statute also requires that the provisions set forth in the comprehensive plan be implemented through adoption of ordinances.
- (5) *Administrative staff.* The planning and zoning board shall consult with town staff as well as other outside professionals in preparing recommendations for amendments to the comprehensive plan. They should also use staff to assist in preparing proposed ordinances and regulations designed to promote orderly development.
- (6) See division 1, section 2-211 above for other regulations.
- (b) *Designation as local planning agency.* Pursuant to and in accordance with F.S. § 163.3174, the Local Government Comprehensive Planning Act, the town planning and zoning board is hereby designated and established as the local planning agency for the city. The local planning agency, in accordance with the Local Government Comprehensive Planning Act of 1975, F.S. § 163.3161—3211 shall:

- (1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
 - (2) Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
 - (3) Recommend the comprehensive plan or elements or portions thereof to the town council for adoption.
 - (4) Monitor and oversee the effectiveness and status of the comprehensive plan as may be required from time to time.
- (c) *Authority, powers and proceedings.*
- (1) *Authority.* The town planning and zoning board shall abide by all the applicable provisions of the Town Charter, as amended, and chapter 163.3174, et seq., F.S. The authority of the planning and zoning board of the Town of Malabar is intended to be advisory only. Nothing contained herein shall be construed to grant to the planning and zoning board final decision making authority.
 - (2) *Functions and powers.* The functions and powers of the town planning and zoning board shall include:
 - a. Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of man-made and natural physical features of the area concerned, statistics on past trends and present conditions with respect to population, property values, economic case, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts;
 - b. Establish principles and policies for guiding action in the physical development of the town;
 - c. Advise and consult with administrative staff and others as may be directed by the town council in preparing the comprehensive plan, recommending amendments to the plan based on continuing plan evaluation; and in recommending to the town council courses of action and proposed ordinances and regulations designed to promote orderly development as may be necessary to implement the plan or to carry out any function of the board;
 - d. Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan as to growth and improvement;
 - e. Keep the town council and the general public informed and advised as to the physical development of the town;
 - f. Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings provided for hereby or by the town council;
 - g. Make or cause to be made any necessary special studies on the location, condition, and adequacy of specific facilities in the area. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, public and private utilities, and traffic, transportation, and parking;
 - h. Consider all plats subdividing lands, as well as all newly proposed streets or extensions thereto, and recommend acceptance, modification, or rejection thereof; prepare regulations for the subdivision and platting of land; review all plans for such streets and subdivisions, including all required community facilities such as drainage, water and wastewater facilities, and all other needed public improvements; and forward to the town council written recommendations on such matters;

- i. Undertake studies of town public land needs and recommend site acquisition for the same, including development plans and requisite facilities;
- j. Consider all questions involving the location, removal, or alteration in any way of any work of art belonging to the town, including monuments, memorials, and statuary, that is not kept indoors or assigned hereby or by ordinance to the jurisdiction of another agency; and, prior to the acceptance or rejection of any proposed gift to the town in the form of a monument or memorial, to approve or recommend modification or rejection of a sketch or plan thereof and the proposed location thereof;
- k. Annually prepare or update the capital improvements program and budget in conjunction with the town planner and town engineer, including the list of the capital improvements recommended for construction during the next fiscal year and the five (5) year period following it. This process should include identification of recommended order of priority thereof, the year recommended for beginning construction, the year recommended for completing construction, and the estimated costs thereof;
- l. Carry out powers of site plan review; and
- m. Perform any other duties which lawfully may be assigned to the board.

 (3) *Rules of procedure.* The planning and zoning board shall establish and adopt rules of procedure subject to approval by the town council, which include policies for, but not limited to, election and duties of officers; meeting schedule, time, and place; establishing order of business and method of transaction; procedure for action and voting by members; conduct of public hearings; rules of conduct; parliamentary procedure; maintenance of records; and method of amending same.

- a. *Officers.* The Planning and zoning board shall elect a chairman and a vice chairman from among its members. The board shall appoint a secretary who may be an employee of the town.
- b. *Meetings.* The board shall meet at regular intervals to be determined by it and at such other times as the chairman or board may determine. It shall adopt rules for the transaction of its business and keep a properly indexed record of its resolutions, transactions, findings and determinations. Such record shall be a public record. All meetings of the board shall be public.
- c. *Administration of business affairs.* The board may, subject to the approval of the town council and within the financial limitations set by town council appropriations or by other available funds approved by the town council, employ such experts, technicians, and staff as may be deemed proper and pay their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the Board.
- d. *Procedures for planning and zoning board.* Rules of the planning and zoning board shall also apply to the board acting under powers extended to the planning and zoning board in Chapter 163 F.S. Members of the planning and zoning board shall continue to be appointed and follow such rules of procedure, methods of choosing officers, setting of public meetings, providing of financial support, and accomplishing its duties as provided in existing city ordinances. All meetings of the planning and zoning board shall be public meetings and all agency records shall be public records. The planning and zoning board shall encourage public participation.
- e. *Funding of planning and zoning board.* The town council shall appropriate funds at its discretion to the planning agency for expenses necessary in the conduct of its work. The planning and zoning board may, in order to accomplish its purposes and activities, expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources, provided acceptance of loans or grants must be approved by the town council.

- f. *Establish a schedule for comprehensive plan review.* The planning and zoning board rules of procedure shall establish a schedule for the review of the comprehensive plan pursuant to Chapter 163.3191 F.S. to determine whether comprehensive plan amendments are desirable.
- (4) *Decisions of the planning and zoning board.* Decisions of the planning and zoning board are advisory in nature. Actions and requests approved by the planning and zoning board shall not be binding upon the Town of Malabar until approved by majority vote of the town council.
- (d) *Planning and zoning board reviews required.* Pursuant to the state's local government comprehensive planning act, the following reviews by the planning and zoning board are mandated:
 - (1) *Review of development for consistency with comprehensive plan.*
 - a. *Intent.* In compliance with Chapter 163.3194 F.S. all development within the Town of Malabar and all development orders and public actions related to such development shall be consistent with the town's adopted comprehensive land use plan as may be hereafter amended. "Development order" as stated herein shall mean any order granting, denying, or granting with conditions an application for a development permit, building permit, zoning permit, subdivision approval, rezoning, variance, or any other action having the effect of permitting the development of land as defined in Chapter 163.3161 F.S.
 - b. *Review by planning and zoning board.* Where the building and zoning official or other administrative official as may be charged by the town council, determines that a question exists as to a development application's consistency with the comprehensive plan, a written report and recommendation regarding such question shall be forwarded by the administrative official to the planning and zoning board for its review. The issue shall be placed before the planning and zoning board at its next regularly scheduled meeting. The applicant shall be notified of the meeting date, time, and place of the meeting. Decisions of the planning and zoning board may be appealed to town council pursuant to section 2-250(c)(4) of this article.
 - (2) *Review and amendment of comprehensive plan.* At least once every five (5) years, the comprehensive plan or the completed parts thereof shall be reviewed by the planning and zoning board to determine whether changes in the amount, kind, or direction of development of the area, or other reasons, make it beneficial to make additions or amendments to the plan. If the town council desires an amendment or addition to the comprehensive plan, it may, on its own motion, direct the planning and zoning board to prepare such amendment; and if such amendment is in accordance with the purposes of the comprehensive plan, the board shall do so within a reasonable time as established by the town council. The procedure for revising, adding to, or amending the comprehensive plan shall be the same as the procedure for its original adoption.
 - (3) *Review of land development code adoption or amendment.* Prior to adoption or amendment of the land development code, the planning and zoning board shall review such regulations and maps, and hold appropriate hearings as required pursuant to Chapter 125.66 F.S. The planning and zoning board, regardless of the source of a proposed land development code change, shall hold a public hearing or hearings thereon, with due public notice, and submit written recommendations to the town council for official action on the proposal.
 - (4) *Review of development plans and policies required to carry out powers described herein or delegated by town council.* The town planning and zoning board shall conduct such other reviews of development plans and policies as shall be necessary to effectively carry out duties and responsibilities described in Chapter 163 F.S., stipulated in this Code, or delegated otherwise by the Town council.

(Ord. No. 14-08, §§ 3, 5, 6-16-14)

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