

**TOWN OF MALABAR
PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY MARCH 22 2017
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**
- D. CONSENT AGENDA :**

- 1. **Approval of Minutes** Planning and Zoning Meeting – 03/08/2017(not ready)
 - Exhibit:** Agenda Report No.1
 - Recommendation:** Request Approval

- E. PUBLIC HEARING: none**
- F. ACTION:**
- G. DISCUSSION:**

- 2. **Annual Review of Capital Improvement Plan**
 - Exhibit:** Agenda Report No. 2
 - Recommendation:** Discussion

- 3. **Draft Ordinance 2017-02 on Medical Marijuana prepared by Town Attorney Bohne**
 - Exhibit:** Agenda Report No. 3
 - Recommendation:** Discussion/Action

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

OLD BUSINESS:

NEW BUSINESS:

- K. ADJOURN**

NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.
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 insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service in compliance with 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.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 1

Meeting Date: March 22, 2017

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 March 8, 2017(not ready)

ACTION OPTIONS:

Secretary requests approval of the minutes.

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2
Meeting Date: March 22, 2017

Prepared By: Denine Sherear, P&Z Board Secretary

SUBJECT: Annual Review of Capital Improvement Plan (CIP)

BACKGROUND/HISTORY:

This packet includes information from the past review of the Five-year Plan that was done in 2011, 2014, 2015, & 2016, this is to assist you with working on the Annual Review for the Capital Improvement Plan.

I have provided Chapter 9 of the Malabar Comprehensive Plan that provides guidance on capital improvements. The Capital Improvement "Plan" (CIP) deals with five and ten-year planning horizons.

ATTACHMENTS:

Review Worksheet (Blank)
August 10, 2016 CIP
Town of Malabar- 5-year Capital improvement plan FY 2014/2015
2011 CIP
Memo 16-AABO-010 – School Concurrency (to be removed form Comp Plan)
Memo date March14, 2007
Comp Plan Chapter 9
Map of Fire Hydrant locations

ACTION OPTIONS:

Discussion

Post Budget 2011

MALABAR 5-yr CAPITAL IMPROVEMENT PLAN APPROVED BY COUNCIL 5/16/11

CAPITAL IMPROVEMENT	YEAR 1 FY2012	YEAR 2 FY2013	YEAR 3 FY2014	YEAR 4 FY2015	YEAR 5 FY2016
COMMUNITY CENTER					X
TOWN HALL LAND			X		
RIVER FRONT ACCESS					X
EXTEND MARIE TO ATZ			X		
COREY RIGHT TURN LN	X				
FIRE DPT EMERG LIGHT			X		
RESURFACE WEST HALL				X	
RESURFACE WEST ATZ		X			
RESURFACE OLD MISSION			X		
TRAILHEAD RESTROOMS	X				
HUGGINS PARK UPGRADE		X			
MALABAR RD BIKE PATH			X		
WEBER RIGHT TURN LANE				X	
ARTESIAN HYDRANT		X	X	X	X
BASEBALL FIELD DUGOUTS AND CONCESSION STAND	X				

Pre-Budget 2011

MALABAR 5-yr CAPITAL IMPROVEMENT PLAN APPROVED BY COUNCIL 5/16/11

CAPITAL IMPROVEMENT	YEAR 1 FY2012	YEAR 2 FY2013	YEAR 3 FY2014	YEAR 4 FY2015	YEAR 5 FY2016
COMMUNITY CENTER					X
TOWN HALL LAND			X		
RIVER FRONT ACCESS					X
EXTEND MARIE TO ATZ			X		
COREY RIGHT TURN LN	X				
FIRE DPT EMERG LIGHT			X		
RESURFACE WEST HALL				X	
RESURFACE WEST ATZ		X			
RESURFACE OLD MISSION			X		
TRAILHEAD RESTROOMS	X				
HUGGINS PARK UPGRADE		X			
MALABAR RD BIKE PATH			X		
WEBER RIGHT TURN LANE				X	
ARTESIAN HYDRANT		X	X	X	X
BASEBALL FIELD DUGOUTS AND CONCESSION STAND	X				

TOWN OF MALABAR

MEMORANDUM

Date: July 7, 2016 16-AABO-010

To: Debby Franklin, Town Clerk/Treasurer
Town Council

From: Denine M. Sherear, Administrative Assistant to the Building official DS

Ref: Recommendation from P&Z to Town Council, anything related to Schools be removed from Comp Plan.

The Planning and Zoning Board discussed the EAR Comp Plan- Letter from Department of Economic Opportunity (DEO) at their meeting of 6/22/2016.

In response to this DEO letter sent to the Mayor date 6/9/2016 Planning & Zoning made the following Recommendation:

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

All Vote: Aye

DCA = DEO (Department of Equal Opportunities)

To: Planning and Zoning Advisory Board Members
From: Debby Franklin, Secretary to the P&Z Board
Date: March 14, 2007
Subj: Malabar Comprehensive Plan

When the State adopted the Growth Management Act in 1985 (Florida Statute 163 Part II), it directed that each county and municipality create and adopt a local government "comprehensive plan" to guide future growth and development. This Act authorized the Department of Community Affairs to review these comp plans for compliance to the Act. These "comp plans" were then to be used in conjunction with the local land development codes in directing growth and development.

It is important for the Planning and Zoning Advisory Board members to be familiar with the Comp Plan and understand how it is put together. Malabar's consists of two volumes and in the front of the Goals and Objectives booklet, on page xvii, there is a brief history and explanation of these booklets. The Data Inventory and Analysis is background information that supports the Goals and Objectives.

Malabar is required to submit a letter to the Department of Community Affairs (DCA) describing what our local issues are with our Comp Plan and how we propose to address those issues. DCA will review and either agree with our letter or offer additional input. Staff is working on statutory requirements but input will also be needed from the Public and from this Board. The Comp Plan must cover certain "elements" and in our Goals booklet these are referred to as "goals." They address land use, traffic circulation, housing, public facilities, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements. Under each of these "Goals" (Elements), specific objectives and policies are defined to insure that the goal is achieved.

Over the years Malabar has amended the comp plan with ordinances. I have included those ordinances that have been adopted to change certain portions of the comp plan, usually the future land use map, but also recently adopting a new "goal" by creating a "school siting element."

F.S. 163 also requires the comp plans to be reviewed and updated regularly but provided exceptions to communities with populations under 2500. These reviews are formally called the "Evaluation and Appraisal Reports." Malabar staff will begin working on this and will be bringing items to the Board for discussion and recommendation during this period.

We will assess how well we have followed our land use guidelines in planning and development. We will make amendment recommendations to incorporate changing conditions and trends, address community objectives and comply with changes in State requirements. This process will require input from our planning consultant, information from outside agencies, joint workshops with Council and participation from the public.

But the first step is to become familiar with the Goals and Objectives booklet.

CHAPTER NINE

CAPITAL IMPROVEMENTS ELEMENT

PURPOSE

Florida Statutes Chapter 163.3177 requires that all comprehensive plans contain a Capital Improvements Element, and Chapter 9J-5 of the Florida Administrative Code states that the purpose of the this Element is to evaluate the need for public improvements as identified in other elements of the Comprehensive Plan; to estimate the cost of the improvements for which the Town is responsible; to analyze the fiscal capability to implement the improvements; and to establish financial policies and schedules to assure the timely delivery of facilities and services based upon prevailing and projected needs. This element also serves as a mechanism to implement the Town's Concurrency Management System; thereby safeguarding the integrity of capital facilities servicing the preexisting built environment while assuring the timely availability of adequate services for future development.

The Town of Malabar's Capital Improvements Element is not the Town's Capital Improvement Program (CIP). The Capital Improvement Element is a portion of the Town's overall Comprehensive Plan and is to be used as a planning tool by Malabar and is not to be used to create a capital budget. The Element addresses short and long term level of service needs that have been identified and will assure the orderly growth and development of the Town. The Element will be used to ensure that the identified levels of service for Malabar's residents will be met.

PLANNING TIMEFRAMES

The Town of Malabar Comprehensive Plan provides guidance on development and redevelopment over two planning horizons: a 5-year period (short term) and a 10-year period (long term). The Capital Improvement Element provides for facility improvements over the short term 5-year planning period. The planning timeframe for the Capital Improvement Element is FY09-FY13.

EXISTING DATA AND CONDITIONS

Inventory of Capital Improvement Needs

A listing of the public facilities and capital improvements that are necessary to correct deficiencies or maintain LOS as identified in the elements within this Comprehensive Plan are reflected discussed below.

Sanitary 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 owns and maintains the 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 and the Troutman Water Reclamation Facility (WRF), a 1.2 MGD plant on the west side of Troutman Boulevard. This is sufficient to serve the PBUD service area in excess of the 10 year planning period.

The level of service for sanitary sewer is as follows:

Sanitary Sewers:

- 300 gallons per day per dwelling unit;
- 150 gallons per day per mobile home unit;
- 1,089 gallons per day per acre for commercial/light industrial

TABLE 9-1: TOWN OF MALABAR SANITARY DEMAND

	2008	2008 Water Demand	2013	2013 Water Demand	2018	2018 Water Demand
Dwelling Units	1,351.00	405,300.00	1,506.00	451,800.00	1,660.00	498,000.00
Mobile Homes	182.00	27,300.00	182.00	27,300.00	182.00	27,300.00
Commercial /Light Industrial (Acres)	160.72	175,024.08	160.72	175,024.08	160.72	175,024.08
Total Malabar Sanitary Demand		607,624.08		654,124.08		700,324.08
PBUD Treatment Capacity		5,200,000.00		7,000,000.00		7,000,000.00

Source: Palm Bay Utilities Department, Calvin, Giordano & Associates, Inc.

Notes: Number of dwelling units estimated based upon five year trends in dwelling unit growth per Shimberg Center data. The number of mobile homes is not expected to increase. The acreage of commercial and industrial lands decreased from 1986 to 2008. Further decreases are not expected.

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 owns and maintains a water distribution system that purchases its water from the PBUD under a thirty year contract. 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.

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 three 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.

There is sufficient capacity for the 10 year planning period.

The adopted potable water level of service is as follows:

Potable Water:

- Residential – 75 gallons per capita per day;
- Commercial/Industrial – 7,500 gallons per day per gross acre.

TABLE 9-2: TOWN OF MALABAR POTABLE WATER DEMAND

	2008	2008 Water Demand	2013	2013 Water Demand	2018	2018 Water Demand
Population	3,142.00	314,200.00	3,312.00	331,200.00	3,527.00	352,700.00
Commercial /Light Industrial (Acres)	160.72	1,205,400.00	160.72	1,205,400.00	160.72	1,205,400.00
Total Malabar Potable Water Demand		1,519,600.00		1,536,600.00		1,558,100.00
PBUD Treatment Capacity		11,290,000.00		10,790,000.00		10,290,000.00

Source: Palm Bay Utilities Department, Calvin, Giordano & Associates, Inc.

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.

The level of service for solid waste is as follows: 6.85 pounds per capita per day. The following table calculates the solid waste to be produced by the Town through 2018.

TABLE 9-3: TOWN OF MALABAR SOLID WASTE PRODUCTION 2008-2018

Year	Population	Solid Waste Generation (pounds)
2008	3142	21,522.70
2013	3312	22,687.20
2018	3527	24,159.95

Source: Brevard County and Calvin, Giordano & Associates, Inc.
 Per Brevard County, the Central Disposal Facility that is the Class I receiving facility for the Town of Malabar has capacity until 2028 to meet the Town's needs.

2017 2,817

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 as an average of \$50,000 annually since 2000. 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 currently no stormwater capital improvement projects planned for the Town and no deficiencies in level of service have been indicated.

The drainage level of service is a design standard for required for development and redevelopment. It is not a townwide level of service.

Drainage Level of Service:

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

On-Site: 10-year, 24 hour design storm

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 SR514/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 SR-9/I-95 and SR 507/Babcock Street, are operating at the adopted level of service. A feasibility study regarding widening of Malabar Road has recently been completed by FDOT. The MPO is planning engineering studies in 2025 to 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.

Parks and Recreation

The Town has adopted a Level of Service of five (5) acres of parks and recreation lands per 1,000 residents. The Town has approximately 150 acres of parks space will continue to meet their level of service through the short term (5 year) and long term (10 year) planning periods.

The Town has adopted a Level of Service of five (5) acres per 1,000 residents. As can be seen in the following table, the Town will continue to meet this level of service through 2030. The existing park space is based upon Town-owned parks and open space. It does not include parks and spaces leased by the Town.

TABLE 9-4: TOWN OF MALABAR LEVEL OF SERVICE 2005-2030

Fiscal Year	Town Population	Existing Space	Required LOS (Space per Capita)	Space needed for Required LOS	Actual LOS (Space per Capita)	Surplus or Deficit Space
2005	2,842	147.34 acres	0.005	14.21 acres	0.0529	133.13 acres
2010	3,412	147.34 acres	0.005	17.06 acres	0.0441	130.28 acres
2015	3,426	147.34 acres	0.005	17.13 acres	0.0439	130.21 acres
2020	3,687	147.34 acres	0.005	18.44 acres	0.0408	128.91 acres
2025	3,925	147.34 acres	0.005	19.63 acres	0.0383	127.72 acres
2030	4,145	147.34 acres	0.005	20.73 acres	0.0363	126.62 acres

Source: Calvin, Giordano & Associates, Inc.

Public Education and Healthcare Systems

Brevard County Public Schools provided level of service projections for the FY09-F13 planning period. Among schools, that Malabar students attend, only Bayside High School is currently overcrowded. Bayside is expected to have a utilization rate of 100% in FY10 and its utilization rate is expected to continue through the five year period.

The Brevard County School Board provides figures for current and projected student enrollment and capacity by school 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. Following are the current and projected capacity utilization rates for each according to the 2008-2009 Brevard County School District Five Year Facilities Work Program.

TABLE 9-5: SCHOOL UTILIZATION

School	Type	Actual 2008-09 Utilization	Projected 2012-13 Utilization
Port Malabar Elementary	Elementary	85%	84%
John F. Turner, Sr. Elementary	Elementary	82%	91%
Stone Middle School	Middle	65%	64%
Palm Bay High School	High	62%	67%
Bayside High school	High	78%	82%

Source: Brevard County Public Schools

Brevard County has adopted a concurrency management system designed to address the need for correction of school facility deficiencies. Specifically, the following tiered Level of Service (LOS) standards for public schools, based upon permanent Florida Inventory of School Houses (FISH) capacity, address the correction of existing school facilities deficiencies.

TABLE 9-6: SCHOOL LOS PROJECTIONS

TIERED LEVEL OF SERVICE - SCHOOL YEAR 2008-09 to 2012-13					
Facility Type	2008-09	2009-10	2010-11	2011-12	2012-2013
Elementary Schools	126%	126%	125%	104%	100%
Middle Schools	117%	116%	88%	95%	97%
Junior / Senior High Schools	127%	123%	102%	100%	96%
High Schools	125%	100%	92%	93%	97%

Source: Brevard County Public Schools

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 year and ten year planning timeframes.

Health care facilities near the Town include the following:

Holmes Regional Medical Center
1421 Malabar Road, Palm Bay, FL

Palm Bay Community Hospital
1425 Malabar Road, Palm Bay, FL

Timing and Priority of Capital Improvement Needs

The Town of Malabar Comprehensive Plan has identified capital improvements by type, location and cost. Timing and priority of capital improvement needs will be determined by the following:

- 1) Emergency and post-disaster mitigation
- 2) Deficiency determination by a Concurrency Management System.
- 3) Public involvement in Capital Improvement Program and budget
- 4) Existing land development and Town master plans
- 5) Plans of county state agencies including the water management district.
- 6) Accommodation of new development and redevelopment
- 7) Financial feasibility

Financial Resources Relative to Capital Improvements

The Town reserves funds in its General Fund for transportation and park improvements. Stormwater funds received from the County for stormwater projects within the Town. The Utility Funds is an enterprise fund used to maintain potable and wastewater transmission in the Town.

Bonding Capacity

Currently, the Town has no bonds.

Projected Revenues-and Expenditures

The following table projects revenues and expenditures for the Town through the year 2013. FY09 revenues and expenditures were adopted by the Town Council in the Town's annual budget. Projections for FY10-F13 were calculated based upon a 4% yearly increase in expenses and revenues. The Town maintains a balanced budget with expenditures not surpassing revenues.

TABLE 9-7: REVENUES AND EXPENSE FY09-FY13

Revenues	FY09	FY10	FY11	FY12	FY13
Taxes	1,024,150	1,065,116	1,107,721	1,152,029	1,198,111
Licenses and Permits	95,630	99,455	103,433	107,571	111,874
Intergovernmental Revenue	238,059	247,581	257,485	267,784	278,495
Charges for Services	44,600	46,384	48,239	50,169	52,176
Fines and Forfeitures	120	125	130	135	140
Miscellaneous	169,801	176,593	183,657	191,003	198,643
Other Sources	44,769	46,560	48,422	50,359	52,373
Total General Fund	1,617,129	1,681,814	1,749,087	1,819,050	1,891,812
Stormwater Utility	140,030	145,631	151,456	157,515	163,815
Utility Fund	169,899	176,695	183,763	191,113	198,758
Total Revenues	1,927,058	2,004,140	2,084,306	2,167,678	2,254,385
Expenses	FY09	FY10	FY11	FY12	FY13
Legislative	16,117	16,780	17,818	18,535	19,281
Executive	142,712	148,582	157,772	164,121	170,724
Finance and Administrative	193,932	201,909	214,397	223,025	231,998
Legal	35,610	37,075	39,368	40,952	42,600
Comprehensive Planning	44,500	44,500	10,500	10,500	10,500
General Government	103,392	107,645	114,303	118,903	123,686
Fire Control	325,844	339,247	360,230	374,726	389,802
Protective Inspections	127,429	132,670	140,876	146,546	152,441
Public Works	24,771	25,790	27,385	28,487	29,633
Streets and Roads	561,688	584,791	620,962	645,951	671,939
Parks and Recreation	37,134	38,661	41,053	42,705	44,423
Special Events	4,000	4,165	4,422	4,600	4,785
Total Expenses	1,617,129	1,681,814	1,749,087	1,819,050	1,891,812
Stormwater Utility	140,030	145,631	151,456	157,515	163,815
Utility Fund	169,899	176,695	183,763	191,113	198,758
Total Expenses	1,927,058	2,004,140	2,084,306	2,167,678	2,254,385

FY17
 876,926
 323,600
 237,788
 29,644
 150
 80,400
 15,000
 1,513,509
 70,000
 0
 1,563,508

FY17
 24,761
 64,618
 189,442
 30,306
 5,000
 72,320
 487,513
 75,113
 0
 455,974
 79,850
 6,500
 —
 70,000
 0
 1,562,697

Source: Town of Malabar, Calvin Giordano and Associates, Inc.

MONITORING AND EVALUATION

The adoption of a Comprehensive Plan requires that procedures be established to evaluate and monitor the intended capital improvements addressed in the Plan. These procedures must be in place and clearly identified. In order to accomplish this, the Town will annually review the Capital Improvement Element and other relevant portions of the Plan to assure that the capital needs are being met.

The review will also determine if adequate revenues are available to meet the needs. The data regarding the listed improvements will be updated and revised as needed in order to meet current and future capital improvement needs as they relate to the City's adopted Level's of Service.

SCHEDULE OF CAPITAL IMPROVEMENTS

The Schedule of Capital Improvements is a subset of a local government's Capital Improvement Program and includes only capital improvements related to level of service standards scheduled for construction within the community during the next five years. State guidelines for Capital Improvement Elements indicate that FDOT and projects related to potable water supply should be included as well.

FISCAL IMPLICATIONS

Because the capital improvements projects affecting level of service standards are not provided by the Town of Malabar, there are no fiscal implications on the Town.

CAPITAL IMPROVEMENTS ELEMENT GOAL, OBJECTIVES, AND POLICIES

§9-1 *Capital Improvement goals, objectives and implementing policies.* This section stipulates goals, objectives, and implementing policies for the Capital Improvements Element pursuant to Section 163.3177(3)(a), F.S., and Section 9J-5.016(3), F.A.C.

Goal 1-1

Management of capital improvements. The Town shall undertake actions necessary to adequately provide needed public facilities within the Town's jurisdiction in a manner which protects investments and existing facilities, maximizes the use of existing facilities, and promotes orderly growth.

9-1.1 Objective:

Rationale for capital improvements. Capital improvements will be provided for purposes of correcting existing deficiencies, accommodating desired future growth, and replacing worn-out or obsolete facilities, as indicated in the five-year schedule of improvements contained within this Element.

9-1.1.1 Policy:

Capital Improvement Program (CIP). The Town shall prepare and adopt a Five-Year Capital Improvement Program (CIP) as part of the Town's annual budgeting process. Amend the Capital Improvement Element annually to reflect these changes. The Town shall include within the five-year schedule of capital improvements contained within this Element all capital improvements with an estimated cost of \$25,000 or more which are identified in any of the respective elements of the Town's Comprehensive Plan.

9-1.1.2 Policy:

Priorities in Allocating Capital Improvements. In allocating priorities for scheduling and funding capital improvement needs, the Town shall assign highest priority to capital improvement projects in the five-year schedule of improvements which are designed to correct existing deficiencies.

9-1.1.3 Policy:

Planning and Zoning Board to Draft and Rank Capital Improvement Priorities. The Planning and Zoning Board shall have the authority and responsibility to evaluate and recommend a rank order of priority for capital improvements which is proposed for inclusion in the five-year schedule of capital improvements. The Town Council shall review and retain its authority to adopt the recommendations of the Planning and Zoning Board with or without modifications in the proposed five-year schedule of improvements.

9-1.1.4 Policy:

Financial feasibility. The Schedule of Capital Improvements shall be financially feasible. Sufficient revenues shall be available for the first three years or will be available from committed or planned funding sources for 4 and 5 years of a 5-year capital improvement schedule.

9-1.1.5 Policy:

Consistency with Comprehensive Plan. The Schedule of Capital Improvements shall be based upon the Future Land Use Element and consistent with all other Plan elements.

9-1.1.6 Policy:

Intergovernmental coordination. Coordinate planning for Town improvements with the plans of state agencies, St. John's River Water Management District (SJRWMD), Brevard County, and the City of Palm Bay when applicable.

9-1.2 Objective:

Limitation on public investments in the Coastal Area. The public expenditures that subsidize development in the Coastal Area shall be limited to improvements included in the Coastal Management Element.

9-1.2.1 Policy:

Public improvements in the Coastal Area. No public infrastructure exists within the Town's designated Coastal Area defined as the area located east of the U.S. 1 and Rocky Point Drive corridors. The Town shall not invest public funds in public facilities within this area unless the facility is for public access or resource restoration.

9-1.3 Objective:

Maintain a Concurrency Management System. Future development shall bear a proportionate cost for facility improvements necessitated by the development in order to maintain adopted LOS standards.

9-1.3.1 Policy:

Transportation impacts. As part of the proposed Master Drainage and Road Improvement Master Plan, the Town shall investigate a transportation impact fee program which would assess new development of a pro rate share of the costs required to finance transportation improvements necessitated by such development.

9-1.3.2 Policy:

Recreation impacts. The Town shall continue to implement its program for mandatory dedications or fee in lieu thereof as a condition of plat approval for the provision of recreation and open space.

9-1.3.3 Policy:

Stormwater management impacts. As part of the Master Drainage and Road Improvement Master Plan, the Town shall investigate additional programs for assessing new development of a proportionate cost of drainage facility improvements necessitated by the respective development.

9-1.4 Objective:

Fiscal resource development. The Town shall manage the fiscal resources to ensure a provision of needed capital improvements for previously issued development orders and for future development and redevelopment.

9-1.4.1 Policy:

Limitation on indebtedness. Providing capital improvements, the Town shall limit the maximum ratio of outstanding indebtedness to no greater than fifteen (15%) percent of the property tax base.

9-1.4.2 Policy:

Capital improvements program. The Town shall prepare and adopt a six-year capital improvement program and annual capital budget as part of its budgeting process.

9-1.4.3 Policy:

Master drainage plan. As part of the Master Drainage Plan the Town shall investigate the desirability of enacting a special district(s) as a mechanism for managing and funding needed drainage improvements through the year 2010 as shall be identified in the Master Drainage Plan.

9-1.4.4 Policy:

Grantsmanship. The Town shall pursue available grants or private funds in order to finance the provision of needed capital improvements.

9-1.5 Objective:

Management of development orders and permits. Decisions regarding the issuance of development orders, building permits, certificates of occupancy, and other applicable permits shall be consistent with goals, objectives, and policies of the respective Comprehensive Plan elements, the Town's adopted Land Development Code, and requirements for adequate public facilities meeting stated levels of service criteria.

9-1.5.1 Policy:

Level of service standards. The Town shall use the following LOS standards in reviewing the impacts of new development and redevelopment upon public facilities:

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, per Ordinance #2-14-86
On-Site: 10-year, 24-hour design storm, per Ordinance #2-14-86

In addition: The Town shall adopt the drainage ordinance to include the following standard where the same is more restrictive: retention or detention with filtration, as a minimum the first one-inch of run-offs or run-off from a one-hour, three year storm event, whichever is greater.

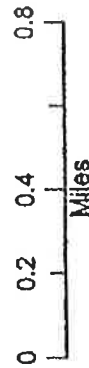


TOWN OF MALABAR

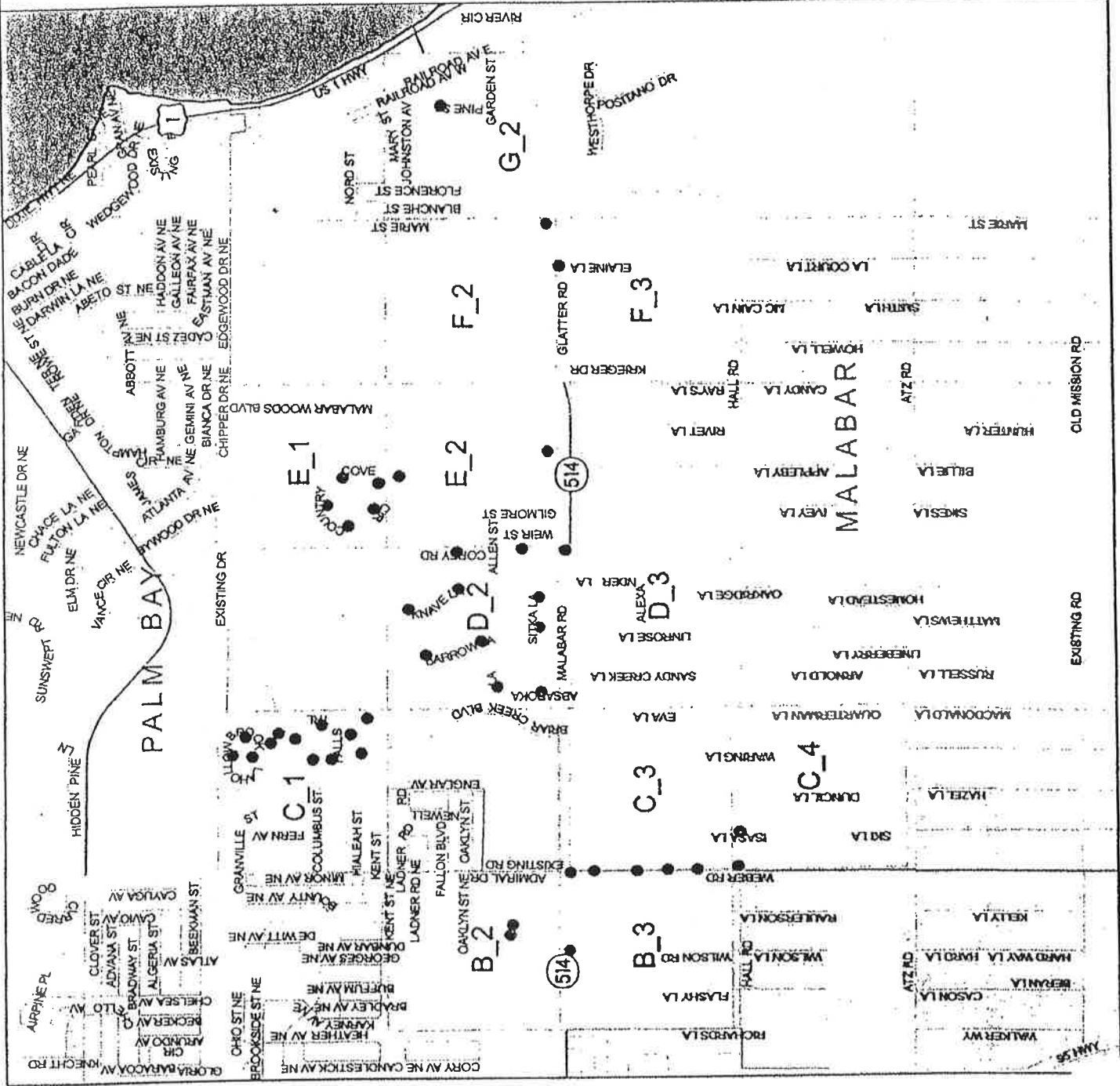
Fire Hydrants



- Fire Hydrants
- Index Grid



NOTE:
 Index grid resembles Public Land Survey System (PLSS) ¼ sections, approximately 180 acres.



**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: March 22, 2017

Prepared By: Denine Sherear, Planning & Zoning Board Secretary

SUBJECT: Draft Ordinance 2017-02 Regulating Medical Marijuana prepared by Town Attorney Bohne

BACKGROUND/HISTORY:

At the last P&Z Meeting on 3/8/2017 The Board questioned about the cultivation of Medical Marijuana in RR-65, please read Section 2 & 2a. of the proposed Ordinance.

A clarification by Town Attorney will be provided at meeting.

Council is expecting a recommendation on this Ordinance from PZ.

ATTACHMENTS:

- Page "5" of *Draft Ordinance 2017-02 Section 2 & 2a*

ACTION OPTIONS: Discussion/Action

It is unlawful for the owner or operator of any marijuana dispensary to fail to comply with this section or for any person to sell or dispense marijuana in any establishment which is not in compliance with this section. The requirements of this section apply to all medical marijuana treatment centers.

n. *Dispensing by a Qualified Physician.* Any physician qualified under Section 381.986 Florida Statutes, the Compassionate Medical Cannabis Act of 2014 and/or the Florida Administrative Code and Article X, Section 29 of the Florida Constitution to place an order for marijuana may dispense such marijuana to a qualified patient, as defined in Section 381.986 (1)(d), from the physician's medical office. The medical office must be located within a zoning classification permits medical offices. Such physician shall not cultivate or process medical marijuana from the medical office. Nothing herein is intended to authorize the establishment of a Medical Marijuana Treatment Center as a conditional use in a zoning district other than IND. Furthermore, nothing herein is intended to permit any person to dispense marijuana in violation of either state or federal law.

o. *Mobile Medical Marijuana Treatment Center.* No Mobile Medical Marijuana Treatment Centers are permitted. In the Town. For purposes herein a Mobile Medical Marijuana Treatment Center is any legal entity, clinic, cooperative, club, business or group which transports or delivers, or arranges the transportation or delivery, of marijuana to any person

2. Cultivation. The term Cultivation shall mean the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof. FS 381.986 (2014) provides for a definition of a dispensing organization and such definition permits a dispensing organization to cultivate and process medical marijuana. Such dispensing organizations must meet state law criteria in order to be an approved dispensing organization. Although on site cultivation and processing of medical marijuana is prohibited under this code, in the event that it is legislatively or judicially determined that an approved dispensing organization under chapter 381 of the Florida Statutes or any administrative rule or pursuant to Article X, Section 29 of the Florida Constitution cannot be completely prevented from cultivating or processing medical marijuana as provided herein, the following shall apply:

a. Outside cultivation of medical marijuana is prohibited. Cultivation shall only be within a closed structure upon which such medical marijuana facility is located. Indoor cultivation is limited to 50 square feet of the medical marijuana facility. Cultivation may not occur in a structure which is not attached to the building upon which the medical marijuana facility is located.

b. Indoor grow lights in any structure shall not exceed an aggregate of one thousand two hundred watts and shall comply with all applicable building code regulations. Gas products (including, without limitation, CO2, butane, propane, and natural gas), or generators shall not be used within any detached structure used for the cultivation of medical marijuana.

c. Cultivation shall not take place in any area of the medical marijuana facility