



# REGULAR TOWN COUNCIL MEETING

Monday, July 17, 2023 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 07/03/2023**

Exhibit: Agenda Report Number 4a

**Attachments:**

- **Agenda Report Number 4a** (Agenda\_Report\_Number\_4a.pdf)

5. ATTORNEY REPORT
6. STAFF REPORTS
  - a. Manager
  - b. Clerk
7. 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*

8. PUBLIC HEARINGS / SPECIAL ORDERS
9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

**a. Trails and Greenways Committee Recommendation to Council**

Exhibit: Agenda Report Number 9a

**Attachments:**

- **Agenda Report Number 9a** (Agenda\_Report\_Number\_9a.pdf)

**10. ACTION ITEMS**

ORDINANCE: 0

RESOLUTION: 0

MISCELLANIOUS: 1

**a. Staff Needs**

Exhibit: Agenda Report Number 10a

**Attachments:**

- **Agenda Report Number 10a** (Agenda\_Report\_Number\_10a.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**11. DISCUSSION/POSSIBLE ACTION**

**a. Expansion of Town Hall Continued Discussion**

CM Scardino

Exhibit: Agenda Report Number 11a

**Attachments:**

- **Agenda Report Number 11a** (Agenda\_Report\_Number\_11a.pdf)

**b. Code Enforcement Action**

CM Scardino

Exhibit: Agenda Report Number 11b

**Attachments:**

- **Agenda Report Number 11b** (Agenda\_Report\_Number\_11b.pdf)

**c. Fee Resolution Discussion**

CM Scardino

Exhibit: Agenda Report Number 11c

**Attachments:**

- **Agenda Report Number 11c** (Agenda\_Report\_Number\_11c.pdf)

**d. R/LC Code Change Discussion**

Exhibit: Agenda Report Number 11d

**Attachments:**

- **Agenda Report Number 11d** (Agenda\_Report\_Number\_11d.pdf)

**12. PUBLIC COMMENTS**

General Items (Speaker Card Required)

**13. REPORTS - MAYOR AND COUNCIL MEMBERS**

**14. ANNOUNCEMENTS**

(1) Vacancies on the Trails and Greenways Committee; (2) Vacancies on the Parks and Recreation Board, (1) Vacancy on the Planning and Zoning Board; and (1) Vacancy on the Board of Adjustment.

**15. 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.

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Contact: Richard Kohler ([townclerk@townofmalabar.org](mailto:townclerk@townofmalabar.org) 321-727-7764) | Agenda published on 07/12/2023 at 9:44 AM

# TOWN OF MALABAR

## Regular Town Council Meeting

**AGENDA ITEM NO: 4.a**

**Meeting Date: July 17<sup>th</sup>, 2023**

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Approve Minutes of the RTCM of 7/03/2023**

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**BACKGROUND/HISTORY:**

Summary of actions at Town Council Meetings

**ATTACHMENTS:**

- Draft Minutes of RTCM of 7/03/2023

**ACTION OPTIONS:**

Review

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
July 3<sup>rd</sup> 2023, 7:30 PM**

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

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

DAVID SCARDINO 7:35

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL - EXCUSED

JIM CLEVENER

MARY HOFMEISTER

TOWN MANAGER:

MATT STINNETT

TOWN ATTORNEY:

KARL BOHNE

SPECIAL PROJECTS MANAGER:

LISA MORRELL

TOWN CLERK:

RICHARD KOHLER

INTERIM CHIEF:

ANTHONY GIANTONIO

**3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: None**

**4. CONSENT AGENDA:**

**4.a. Approve Minutes of 6/5/2023 RTCM**

Exhibit: Agenda Report Number 4a

**MOTION: CM Acquaviva/CM Clevenger to approve Consent Agenda.**

**Vote: All Ayes (3-0).**

**5. ATTORNEY REPORT: No report.**

**6. BCSO REPORT: None**

**7. BOARD/COMMITTEE REPORTS:**

**7.a. Trails and Greenways Committee**

Written Report provided.

**7.b. Parks and Recreation Board**

Written Report provided.

**7.c. Planning and Zoning Board**

Written Report provided.

**8. STAFF REPORTS:**

**8.a. Town Manager – Matt Stinnett** states he is pleased to be back. The Allen Street drainage project is progressing nicely. The budget season is underway.

**8.b. Special Projects Manager – Lisa Morrell** states that she is still working on the financial system transfer. CM Acquaviva states that the recycling day has changed to Thursday.

**8.c. Town Treasurer – Lisa Morrell** states that she has provided a written report. As we end the fiscal year, we are preparing a budget amendment.

**8.d. Fire Chief – Interim Chief Giantonio** No report.

**8.e. Public Works Director – Written Report**

**8.f. Town Clerk – Richard Kohler**

Clerk Kohler informed Council that he recently attended the 2023 FACC Summer Conference in St. Petersburg. The Conference offered several courses specifically relevant to Florida Municipal Clerks. He also informed Council that he attended an EOC refresher course at the EOC Command Bunker in Rockledge.

Staff was made aware that the Electronic Display sign at Malabar Park is currently down. After investigation, it was determined that a circuit breaker broke. A contractor has been contacted, and we expect a repair on Wednesday July 5<sup>th</sup>.

Waste Pro has indicated that they wish to change the recycling collection day from Wednesday to Thursday. The change will take effect on the week of July 10<sup>th</sup>. July 5<sup>th</sup> will be the last Wednesday collection, and July 13<sup>th</sup> will be the first day of Thursday collection.

- 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)

**Mark Gunther, 1240 Pemberton Trail** – States he is here to discuss the Gopher Tortoise awareness signs along Briar Creek Blvd. He also asked about the repair of Rocky Point Road. TM Stinnett states they are working towards completing the project. He also asked about the sailboats that are washed up on the shore. Mayor Reilly states the process has been done. It is mostly an issue with Florida Marine Council. He also asked about the Treasurer post. Staff replied that Ms. Morrell has been appointed to that position.

- 10. PUBLIC HEARINGS: 3**

**10.a Amending Land Development Code, Article II – Land use Zoning, Section 1- 2.6 – Land Use Classifications and Table 1-3.2 Land Use By Districts for Limited Manufacturing Activities and Limited Manufacturing Activities providing for a permitted or conditional use in Article VI. Conditional Use and Special Exception Use Criteria in Table 1-6.1(B) - Conditional Land Use Requirements. (Ordinance 2023-01; First Reading)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING ARTICLE II – LAND USE ZONING, SECTION 1-2.6 – LAND USE CLASSIFICATION; AND ARTICLE III – DISTRICT PROVISIONS, SECTION 1-3.2 – LAND USE BY DISTRICT - TABLE 1-3.2 LAND USE BY DISTRICT TO INCLUDE LIMITED MANUFACTURING ACTIVITIES IN CERTAIN ZONING DISTRICTS, RESIDENTIAL/LIMITED COMMERCIAL (R/LC), COMMERCIAL LIMITED (CL), AND COMMERCIAL GENERAL (CG); AND ARTICLE III SECTION 1-3.2, LAND USE BY DISTRICT; ARTICLE VI, SECTION 1-6.1 CONDITIONAL USES; TABLE 1-6.1(B) CONDITIONAL LAND USE REQUIREMENTS AS CONDITIONAL USES IN RESIDENTIAL/LIMITED COMMERCIAL (R/LC), COMMERCIAL LIMITED (CL), AND COMMERCIAL GENERAL (CG), ZONING DISTRICTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10a

Clerk read by title only.

**Public Hearing Opened:** None

**Public Hearing Closed.**

Staff: SPM Morrell states this item was presented on 4.3 for discussion. This is the next step. After approval tonight, the Ordinance will be sent to the DEO for review.

**MOTION: CM Scardino/CM Hofmeister to adopt Ordinance 2023-01**

Discussion: Mayor Reilly states that the Town has lost most of its industrial zoning to conservation. He wanted to see what industrial uses could be moved to the commercial

districts. P&Z has looked at this and made the recommendation to approve. CM Acquaviva states she believes it will be a benefit. Attorney Bohne states the title will clean up before second reading. Mayor Reilly noted a minor scrivener's error as well. Clerk states they will be corrected before the second reading.

**ROLL CALL VOTE: CM Vail, Excused; CM Clevenger, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye. Motion Carries 4-0.**

**10.b Vacate Requests within Section 11, Melbourne Heights subdivision (SD) Section "E" east of Corey Road (Resolution 06-2023)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE VACATE OF THREE FIFTY (50) FOOT-WIDE UNIMPROVED PLATTED RIGHT-OF-WAYS AND ONE FIFTY-FIVE (55) FOOT-WIDE UNIMPROVED PLATTED RIGHT-OF-WAY ABUTTING PARCELS 29-37-11-75-24, 29-37-11-75-15-1, 29-37-11-75-16-1, 29-37-11-75-17-1, 29-37-11-75-27-1, AND 29-37-11-75-14-1 IN SECTION "E" MORE SPECIFICALLY KNOWN AS CORIANDER STREET, FEVERROOT STREET, COLORADO AVE AND CHERVIL STREET, AS DESCRIBED HEREIN; AUTHORIZING THE TOWN CLERK TO RUN A LEGAL ADVERTISEMENT OF THIS ADOPTED RESOLUTION; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10b

Clerk read by title only.

Chair calls the applicant to present. Larry Primavera states he hopes to consolidate his property. He hopes to combine all parcels.

**Public Hearing Opened:** None.

**Public Hearing Closed.**

Staff: Clerk states it is as presented in the agenda. The request is similar to previous vacate requests in the same Subdivision. Mayor Reilly reiterated that this request conforms to the overall plan for the area.

**MOTION: CM Acquaviva/CM Scardino to adopt Resolution 06-2023.**

Discussion: None

**ROLL CALL VOTE: CM Clevenger, Aye; CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Excused. Motion Carries 4-0.**

**10.c Request Road Improvement Waiver for the North end of Kramer Lane adjacent to Parcel 814. Request by parcel owner Joy Maximin.**

Exhibit: Agenda Report Number 10c

Chair called the applicant to present. Ms. Maximin thanked Council for the opportunity to represent her case. She was able to combine 2 of the 3 lots in her property. There are now only 2 lots in question. At the last meeting, the neighbors spoke against her application. After explaining her position, they have all signed a petition to keep Kramer Lane as a dead end, and to approve the requested waiver. She believes she has met all requirements for the waiver, in that there is already access to the lot, and the waiver will be the minimum requirement. As there is already access to the property, she feels her getting a waiver will not be injurious to anyone else.

CM Acquaviva asks if she has gone to the BCPAO to request the combination? Ms. Maximin states yes, she has.

**Public Hearing Opened:** None

**Public Hearing Closed.**

Staff: SPM Morrell states she met with Ms. Maximin while the TM was on leave. She explained that the reason the previous request was denied was because it was viewed as a subdivision. That has been corrected by combining two of her parcels. They discussed potential alternatives. They also went over the past issues on Walker Lane and the similar issues. They discussed building a long road, building short, and building east/west. In her

Staff report, there are noted wetlands in the Kramer Lane ROW. In reference to the past BOA orders, a past owner was already granted multiple variances, one of which will include her in road payback for future Kramer Lane expansion. She reminds Council that tonight's decision is final, and that financials can not be the hardship the waiver is granted on. Attorney Bohne states that we were originally presented with 3 lots, which triggers a subdivision code. The applicant has drafted an easement to grant access for the rear parcel. He states the other issue is the variance that was granted to Dr. Ireland. In that variance, the applicant was required to dedicate 30 feet of ROW for Kramer Lane, and 20 feet for Beekeeper Lane, and to his knowledge, there has been no dedication. He also states that if a waiver is granted, the applicant will still have to share in the road building expenses. It also provided a path for the residents on the east side of Kramer Lane to pursue legal action. He believes Council should require the dedications regardless of if Council approves this request.

CM Acquaviva asks what the requirements are in the code? Attorney states the code requires a ROW be improved to the farthest extent of the lot. The Ireland variance allowed him to build without improving Kramer Lane. Mayor Reilly reiterates the extension of the road would only be to the southern lot. SPM Morrell reiterated that this request is for parcel 814, not 753. Attorney Bohne confirmed that the back property would keep the lot but provide an easement to the front house.

Ms. Maximin states she does not want to build Kramer Lane, just use the existing driveway as access to the property. CM Acquaviva asks how a UPS driver would access the property? Ms. Maximin states the delivery is left at the gate at the edge of the property. There were recently emergency vehicles at the property. CM Scardino states he feels the issue is people only live in a house for an average of 7 years. Would this create future issues? Ms. Maximin states that is why she has provided an easement. CM Acquaviva states we have had issues like this in the past and required applicants to build the roads. The current request would allow a driveway to act as a road. Attorney states he believes CM Acquaviva is suggesting we enforce the expansion of Kramer Lane north, as is required by code. CM Acquaviva states that by approving this, we would be limiting peoples access to lots on the east end of Kramer Lane. Attorney Bohne states an easement is not prohibited for access, but the question is if there is a reason to waive the extension of Kramer Lane. CM Hofmeister asks how these properties will be addressed? If they share the same driveway, will it create an issue? Mayor Reilly asks the Attorney if this is similar to Alexander Lane? He believes once more than one house is accessed from a driveway, it must become an approved named road. CM Scardino states he is not for creating higher density without extending Kramer Lane. CM Clevenger states he believes Kramer Lane should be extended. Attorney states Council may grant a waiver for Kramer Lane instead of the driveway.

**MOTION: CM /CM to approve the waiver request. No Motion Heard.**

**MOTION: CM Scardino/ CM Clevenger to disapprove the waiver request.**

Ms. Maximin states there is another alternative. Beekeeper Lane is another option. Can she use that as her driveway? She has driven it recently. TM Stinnett states Beekeeper is not an accepted road.

**ROLL CALL VOTE: CM Scardino, Aye; CM Hofmeister, Aye; CM Acquaviva, Aye; CM Vail, Excused; CM Clevenger, Aye. Motion**

## **11. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 0**

## **12. ACTION ITEMS:**

**ORDINANCES for FIRST READING: 0**

**RESOLUTIONS: 0**

**MISCELLANEOUS: 1**

### **12.a. TRIM Update**

Exhibit: Agenda Report Number 12a



Staff: Clerk Kohler states that Staff recently received the official TRIM calendar for this year. In preparing the DR-420 and the DR-420MMP, staff found that both Public Hearings for the Millage Rate and Budget must be held within 15 days of each other. Staff is recommending the Public Hearings be held on Monday September 11<sup>th</sup> and Monday September 25<sup>th</sup>. These changes will allow the August RTCMs to be held on their traditional 1<sup>st</sup> and 3<sup>rd</sup> Mondays. Staff is also recommending the maximum millage rate be set at 5.0000 Mills, and the first draft of the budget is being prepared at 4.5000 Mills.

**MOTION: CM Scardino/CM Acquaviva to approve the new meeting schedule and the suggested maximum millage.**

DISCUSSION: CM Acquaviva clarifies the second meeting will be on the 25<sup>th</sup>? Clerk states that is correct.

**VOTE: Motion Carries 4-0.**

**Chair excused the Attorney at this time.**

**13. DISCUSSION/POSSIBLE ACTION: 1**

**13.a Discussion – Conditional Use and Special Exception Use Criteria and corresponding Table 1-6.1(B).**

Exhibit: Agenda Report Number 13.a

Mayor Reilly states this is another project from Planning & Zoning Board. This is a companion piece for the earlier Ordinance. This is just discussion and will be a Public Hearing in the future. CM Acquaviva suggests that Planning & Zoning send the Chair to speak to Council. SPM Morrell states this was reviewed by the P&Z Board and they voted unanimously to send this forward.

**MOTION: CM Scardino/CM Hofmeister move to direct Staff to draft an ordinance for a future Public Hearing.**

**Vote: All Ayes (4-0)**

**14. PUBLIC COMMENTS: General Items (Speaker Card Required)**

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

**CM Acquaviva:** She reminds the residents about the new Recycling schedule. She also asked why there is no deputy again? Clerk Kohler states he contacted the resource office and was informed they would charge us an hourly rate for the deputy to attend. He brought that information to TM Stinnett, who said he would contact the South Precinct Commander. TM Stinnett states they are having a staffing issue and come when they can.

**CM Vail:** Excused.

**CM Clevenger:** None.

**CM Hofmeister:** She has been riding the sanctuary twice a week. The area was closed for habitat restoration between the Sandhill Trailhead and Malabar Community Park. She noted they used the concrete pathway to move heavy equipment. She also spoke with EELs program director Mike Knight about giving the Town advanced notice about prescribed burns.

**CM Scardino:** States he was passed on his way here tonight by a group of motorcycles and cars driving at a high rate of speed.

**Mayor Reilly:** None

**17. ANNOUNCEMENTS:** (1) Vacancy on the Planning & Zoning Board; (2) Vacancy on the Parks & Recreation Board; (1) Vacancy on Board of Adjustment; (1) Vacancy on the Trails and Greenways Committee.

**15. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:30 P.M.

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

ATTEST:

\_\_\_\_\_  
Richard W. Kohler  
Town Clerk

Date Approved: 07/17/2023

DRAFT

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 9.a**

Meeting Date: July 17<sup>th</sup>, 2023

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Trails and Greenways Committee Recommendation to Council**

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### **BACKGROUND/HISTORY:**

At the July 10<sup>th</sup> Trails and Greenways Committee meeting, the Committee discussed and recommended several purchases for Council approval. The recommended item for purchase or as follows:

1. 25 "Cameron Preserve Boundary" Signs.
2. 8 on trail "You are Here" maps.
3. 8 Kiosk Maps.
4. 1 Culvert (20'x18") for the Eagles Nest Trailhead

### **ATTACHMENTS:**

- TC Memo 2023-03
- "Cameron Preserve Boundary" Sign proposal.
- On trail "You are Here" map proposal.
- Kiosk map proposal.

### **FINANCIAL IMPACTS:**

- \$1,905.51, from account 572.4930, Trails and Greenways.

### **ACTION:**

- Direct Staff purchase the recommended signs and pipe.

# TOWN OF MALABAR

## MEMORANDUM

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**Date:** July 11, 2023 2023-TC-3  
**To:** Mayor Reilly and Members of Council  
**CC** Town Manager  
**From:** Richard W. Kohler, Town Clerk  
**Ref:** Trails & Greenways Committee Recommendations

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*During the July 10<sup>th</sup> Trails and Greenways Committee Meeting, the Committee discussed their active projects, including the Eagles Nest Trailhead (ENT) and the Cameron Preserve Signage plan. The Committee has made the recommendation to make the following purchased:*

1. 6"x12" High Intensity Signs "Boundary Cameron Preserve"
  - a. \$20.00 per sign
  - b. Recommend 25 signs.
  - c. \$500.00 request
2. 24"x24" High Intensity Signs "On Trail Intersection Maps"
  - a. \$41.96 per sign
  - b. Recommend 8 signs.
  - c. \$335.68 request
3. 36"x36" High Intensity Sign "Main Kiosk Maps"
  - a. \$85.73 per sign
  - b. Recommend 8 signs.
  - c. \$685.84 request.
4. 20'x18" Culvert Pipe for ENT Driveway
  - a. Committee already has 3 of the 4 required pieces of culvert.
  - b. Tractor Supply Co. - \$383.99
  - c. Home Depot - \$405.00
  - d. White Cap - \$436.00

**The total request, of 41 signs and one piece of pipe, amounts to \$1,905.51. These funds will be expended from line item 572.4930, Trails & Greenways.**

Attachment: June 29<sup>th</sup> Quote from Brevard County Traffic Operations.



BOARD OF COUNTY COMMISSIONERS

TRAFFIC OPERATIONS  
580 MANOR DR  
MERRITT ISLAND, FL 32952

## Inter-Office Memo

DATE: June 29, 2023

TO: Richard Kohler, Town of Malabar

FROM: Tangela Copeland, Secretary

SUBJECT: Quote for sign order

QUA	SIZE	DESCRIPTION	UNIT	TOTAL
50	6" X 12"	High Intensity Sign	\$20.00	\$1000.00
50	6" X 12"	Engineer Grade Signs	\$15.49	\$774.50
50	12" X 12"	High Intensity Signs	\$26.41	\$1320.50
50	12" X 12"	Engineer Grade Signs	\$20.46	1023.00
10	24" X 24"	High Intensity Signs	\$41.96	\$419.60
10	24" X 24"	Engineer Grade Signs	\$32.49	\$324.90
10	18" X 18"	High Intensity Signs	\$34.14	\$341.40
10	18" X 18"	Engineer Grade Signs	\$26.43	\$264.30
10	36" X 36"	High Intensity Signs	\$85.73	\$857.30
10	36" X 36"	Engineer Grade Signs	\$65.59	\$655.90

High Intensity last up to 10 years

Engineer Grade last up to 7 years

Feel free to contact me if you have any questions.



# **Boundary**

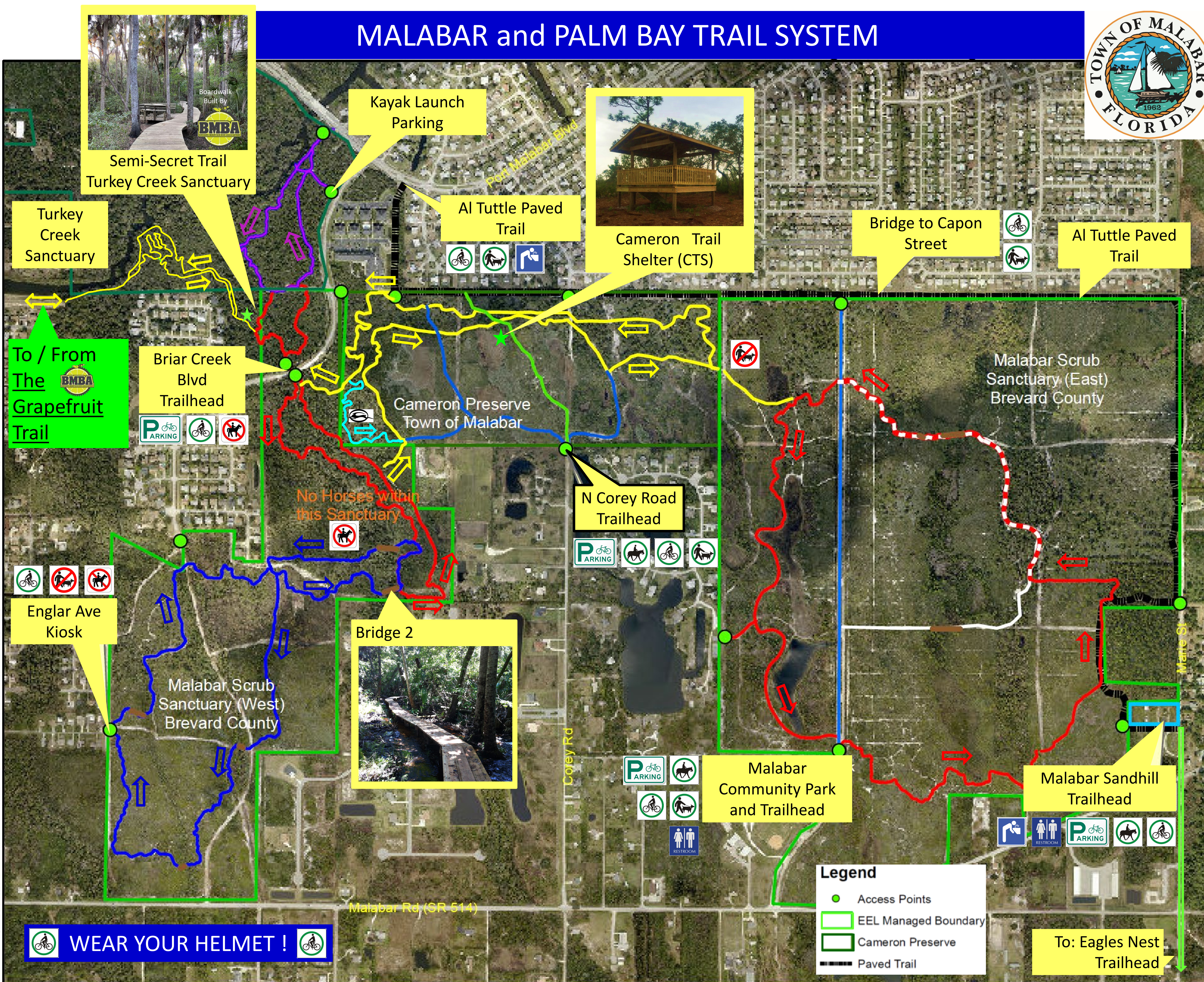
**Cameron Preserve**

**Town of Malabar**



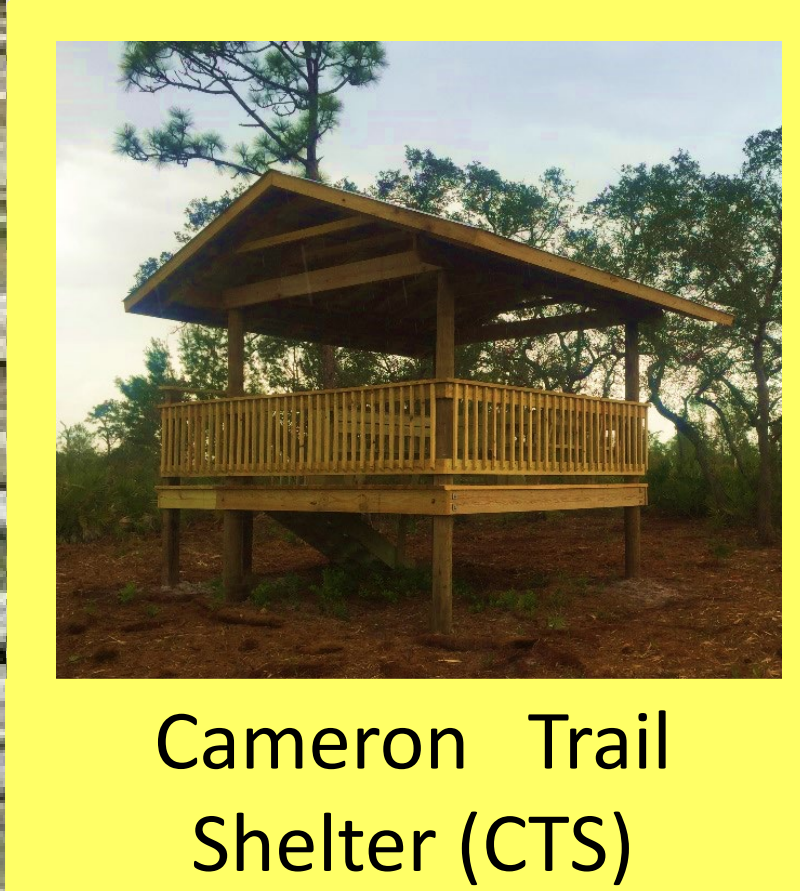


# MALABAR and PALM BAY TRAIL SYSTEM



To / From The **Grapefruit Trail**

Englar Ave Kiosk



**Legend**

- Access Points
- ▭ EEL Managed Boundary
- ▭ Cameron Preserve
- ▬ Paved Trail

**WEAR YOUR HELMET!**

0 900 1,800 3,600 Feet

**One Way** → **Two Way** ↔

Preferred Direction of Travel for Bikes only: hikers & horses may go either direction

- THANK YOU FOR VISITING MALABAR TRAILS! Maintained 100% by volunteers
- This trail system utilizes one-way and two-way trails. Most of the narrow trails are “one way”, and it is best to travel that way for safety.
- Bikes: Go preferred direction PLEASE, and also please wear your helmet
- USE THIS TRAIL SYSTEM AT YOUR OWN RISK. The property owner is indemnified from liability by Florida Statute 316.0085. The trail user is responsible for their own safety. Use trails at your own risk.

Visit Malabar Virtual Trailhead  
Lost on a Malabar trail? call 844.879.1974

**VTP**  
Town of Malabar Trails & Greenways Committee (T&GC)

Invites you to visit Malabar's Trail System  
\*See back of card for our virtual trailhead with: maps, area info, and volunteer events

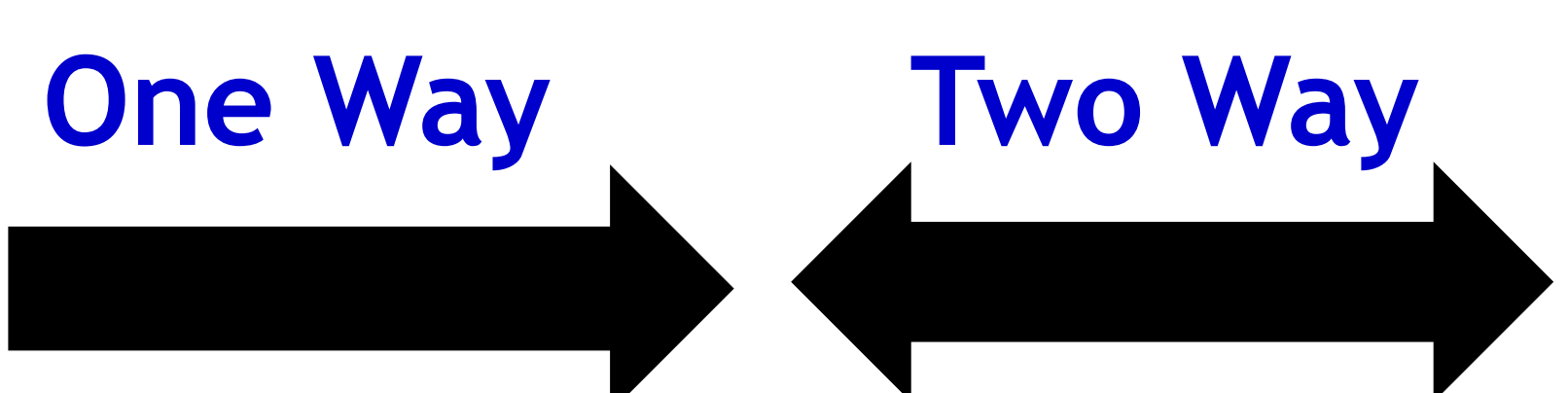
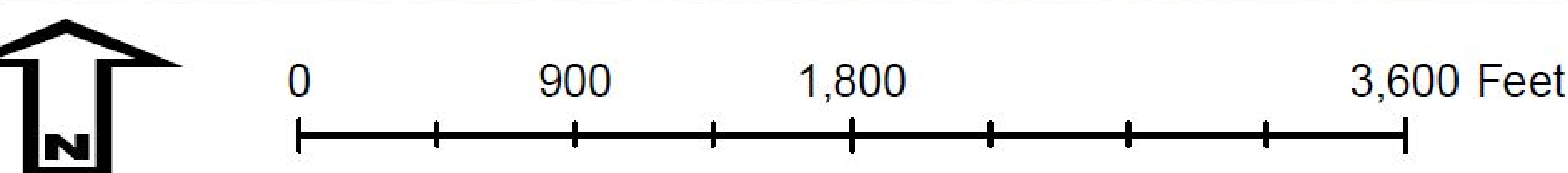
**T&GC meets monthly: 6 PM 2nd Mon at Town Hall: 2725 Malabar Rd. Malabar, FL 32950**

**Trail Maps**

We truly believe the best way to find your way around the trails is with the Trailforks app (available in your phone's app store). Not interested in the app? Scan the QR code to the right to see this regions map on Trailforks.com.



# MALABAR and PALM BAY TRAIL SYSTEM



**Preferred Direction of Travel for Bikes: hikers and horses may go either direction**

### Legend

- Access Points
- EEL Managed Boundary
- Cameron Preserve
- ▬ Paved Trail

- **Thank you for visiting MALABAR Trails!**
- This trail system utilizes one-way and two-way trails. Most of the complex, narrow trails are “one way”, and it is best to travel that way for safety. Bikes: Please adhere to one way designation
  - “One Way” is the Preferred Direction of Travel. If You Choose to Travel Opposite the Preferred Direction, be vigilant and yield the ROW to the preferred direction.
- **USE THIS TRAIL SYSTEM AT YOUR OWN RISK.** The property owner is indemnified from liability by Florida Statute 316.0085. YOU are personally responsible for your own safety.
- Trails in this system are considered Medium (blue) difficulty. Expect sandy areas, roots, and moderate drops. Trails may have trees down, or be blocked by debris at any time. Trail conditions can change at any time, so it is up to the trail user to keep themselves safe.
- The trail user is responsible for their own safety. Use trails at your own risk.
- **DO NOT MODIFY TRAIL SURFACE - PLEASE do not remove roots from trail surface**
- **NO motorized vehicles of any kind, except ADA exceptions**
- **HELMETS ARE REQUIRED TO RIDE HERE**
- **Dogs are allowed, on leash, in Malabar’s Cameron preserve only (see Map)**
- **Horses allowed in Cameron Preserve and Malabar East, but not Malabar West (see Map)**
- **These trails are maintained by the Malabar Trails and Greenways Committee.** If you would like to get involved, please call the Town of Malabar at (321) 727-7764, or go to our Virtual Trailhead <http://malabartrails.org/>
- Please enjoy this 100% trail park, which is maintained 100% by volunteers!

Trail Name: Description / Features (West to East)	Where on Map ?
<b>AI Tuttle Trail:</b> The AI Tuttle trail is Bi-Directional, and a paved, multi-user trail. Expect walkers, runners, bicycles, equestrians. The AI Tuttle Trail runs predominately East – West, and goes all the way from Port Malabar Blvd to the Malabar Sandhill Trailhead on Marie Street (near Malabar Road). Bridge to Capon Street in Palm Bay, & one large bridge over a depression marsh. Excellent wildlife viewing on the Canal, connects to Malabar Park via an abandoned concrete road	Black Dashed line – North boundary of off-road trail system, & S to Malabar Road
<b>Red &amp; Purple Trail (West):</b> These are the best (and most difficult) of the mountain biking trails in Palm Bay and EELP Malabar West Sanctuary. Better known as “Ho Chi Minh” (Purple) and “Dead Bike” (Red), these are the core of the traditional mountain bike trails. Excellent views of Turkey Creek and the Turkey Creek flood plain. Dry year round, even in high rain season. Most trails are marked one way. <u>No horses on these trails, please.</u>	Purple and Red Line – North West section of map

Visit Malabar Virtual Trailhead  
Lost on a Malabar Trail? call 844.879.1974

**VTP**  
Town of Malabar Trails & Greenways Committee (T&GC)

Invites you to visit Malabar’s Trail System  
\*See back of card for our virtual trailhead with: maps, area info, and volunteer events

T&GC meets monthly: 6 PM 2nd Mon at Town Hall: 2725 Malabar Rd. Malabar, FL 32950

**Trailforks**

At [www.RideBMBA.org](http://www.RideBMBA.org)

- Browse Brevard Trails
- View Photos & Videos
- View/Submit Trail Statuses

### Trail Maps

We truly believe the best way to find your way around the trails is with the Trailforks app (available in your phone’s app store). Not interested in the app? Scan the QR code to the right to see this regions map on Trailforks.com.

Trail Name: Description / Features	Where on Map ?
<b>Blue Trail (West):</b> This loop is connected to Red Trail via two long, narrow bridges, which cross the Turkey Creek flood plain. Blue is a challenging trail that has wet sections during the high rain season. Much of this area is in scrub habitat restoration, but shade has been left near the trail sections.	Blue Line – South West section of map
<b>Yellow Trail East (Cameron):</b> Yellow Trail East is One-Way, and runs predominately East, toward EELP Malabar East Sanctuary, and the trails that lead to Malabar’s Sandhill Trailhead. Trail is marked with Yellow Diamonds, with arrows and “E” to indicate East. Cameron Trail Shelter is on the Green Trail, and visible from Yellow East	Yellow Line – In Cameron Preserve, Center of Map
<b>Yellow Trail West (Cameron):</b> Yellow Trail West is One-Way, and runs predominately West, toward EELP Malabar West Sanctuary, and the Red & Purple trails near Turkey Creek. Yellow West includes some very twisty, shaded single-trac. Trail is marked with Yellow Diamonds, with arrows and “W” to indicate West.	Yellow Line – In Cameron Preserve, Center of Map
<b>Green Trail (Cameron):</b> The Green Trail is Bi-Directional, and runs predominately North – South, connecting the N. Corey Road Trailhead to the AI Tuttle Trail (Paved). It is generally easy. Generally dry even in high rain season. The Cameron Trail Shelter (CTS) is on this trail, near the intersection with Yellow-East	Green Line – In Cameron Preserve, Center of Map
<b>Blue Diamond Trail (Cameron):</b> The Blue Trail is Bi-directional, and runs predominately East – West, and serves as a local connector to other trails in Cameron Preserve. This trail is rooty and difficult, named “The Route of All Evil” trail. Excellent views of depression marsh. Fun & aerobic for more experienced trail users.	Blue Line – In Cameron Preserve. Marked with Blue Diamonds. Center of Map.
<b>Red Trail (East):</b> This loop-trail is in Brevard County EELP Sanctuary Malabar East. Views of Scrub habitat, lakes, & depression marshes. Crosses the Malabar Woods Road, an abandoned concrete road in the center of Malabar East Sanctuary. Connects to AI Tuttle Trail and Malabar Sandhill trailhead in the East.	Red Line – In East Section of Map
<b>Semi-Secret Trail (Turkey Creek Sanctuary):</b> This trail connects “Ho Chi Minh” (Purple) trail to the South bank of the C1 canal, shown in yellow. Separate single-directional east and west trails. Connects west to the Grapefruit Trails (GFT). Classic deep woods single-trac with boardwalks at each end. East boardwalk has an observation bench area.	Yellow line – in farthest East section of map. 2, 1-way trails shown as single line on map
<b>Impala Trail (Cameron Preserve):</b> This trail connects Yellow West with Yellow East, staying entirely within Malabar’s Cameron Preserve. Twisty, fast, classic deep woods single-trac. Bones of a 1962 Chevy Impala adjacent to trail.	Bright Blue Line- Just to the Left of the Cameron Preserve label



# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 10.a**

Meeting Date: July 17<sup>th</sup>, 2023

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Staff Needs**

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### **BACKGROUND/HISTORY:**

At the June 5<sup>th</sup> RTCM, Council discussed Town Hall Staffing. During the discussion, three options were reviewed:

1. Receptionist (\$15-\$19 per hour, or \$39k max)
2. Administrative Assistant that supports 3 Charter Offices (\$50k-\$65k)
3. Executive Assistant (\$50k-\$65k)

Council agreed that 2 positions should be filled. The next step is creating the appropriate Titles, Job Descriptions, and Salaries for these positions so that they can be advertised.

### **ATTACHMENTS:**

- Treasurer Report, Staff Control Research
- Job Descriptions for Receptionist & Executive Administrative Assistant

### **FINANCIAL IMPACTS:**

- To be determined by Council.

### **ACTION:**

- Direct Staff advertise selected positions .

## Treasurer Report – Staff Control Research

Staff has received multiple requests for current positional and salaries for current employees. Therefore, the following table entitled Position Control, advises all Town Council members of the same information of approved Town positions with Funding Source, Department, Job Title, Full-Time Equivalent (FTE) Count, Date Position Filled, Hourly Rate, and Annual Salary.

<b>Funding Source</b>	<b>Dept.</b>	<b>FTE Count</b>	<b>Fill Date</b>	<b>Job Title</b>	<b>Hourly Rate</b>	<b>Annual Salary</b>
Building Fund	Building	1.00	12/10/2007	Manager	\$22.88	\$ 47,590.40
Building Fund	Building	0.40	07/21/2020	Clerical Assistant	\$20.39	\$ 16,964.48
General Fund	Executive	1.00	06/27/2016	Town Manager	\$41.35	\$ 86,000.00
General Fund	Executive		Vacant	Assistant (*)	\$31.25	\$ 65,000.00
General Fund	Fire	1.00	09/06/2017	Fire Chief	\$25.60	\$ 53,248.00
General Fund	Fire	1.00	11/09/2020	Lieutenant	\$16.26	\$ 35,837.04
General Fund	Fire	1.00	10/01/2010	Lieutenant	\$16.26	\$ 35,837.04
General Fund	Fire	1.00	10/20/2016	Lieutenant	\$16.26	\$ 35,837.04
General Fund	Fire	1.00	10/03/2021	Lieutenant	\$16.26	\$ 35,837.04
General Fund	Fire	1.00	03/10/2023	Driver/Engineer	\$13.32	\$ 29,357.28
General Fund	Fire	1.00	04/09/2019	Driver/Engineer	\$12.69	\$ 27,968.76
General Fund	Fire	1.00	12/02/2021	Driver/Engineer	\$12.69	\$ 27,968.76
General Fund	Fire	1.00	01/25/2016	Driver/Engineer	\$12.69	\$ 27,968.76
General Fund	Fire	0.75	08/17/2020	Administrative Assistant	\$13.08	\$ 20,404.80
General Fund	Legislative	1.00	07/20/2020	SPM/Treasurer	\$48.08	\$100,000.00
General Fund	Legislative	1.00	10/31/2018	Town Clerk	\$26.44	\$ 55,000.00
General Fund	Legislative	1.00	Vacant	Receptionist(*)	\$19.23	\$ 40,000.00
General Fund	Public Works	1.00	09/25/2007	Director	\$27.49	\$ 57,179.20
General Fund	Public Works	1.00	01/18/2023	Heavy Equipment Operator	\$20.00	\$ 41,600.00
General Fund	Public Works	1.00	05/17/2023	Medium Equipment Operator	\$18.00	\$ 37,440.00

General Fund	Public Works	1.00	04/26/2023	Medium Equipment Operator	\$18.00	\$ 37,440.00
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(\*) Represents discussion and direction from the June 5, 2023 RTCM which requires a budget amendment for final approval by Town Council

Town of Malabar  
Receptionist

Under general supervision, performs secretarial and clerical functions in support of Town Hall activities. Facilitates verbal communications with courtesy and tact by greeting visitors, answering telephones, and responding to or appropriately forwarding inquiries and routing messages. Facilitates written communications by composing and/or preparing correspondence, forms, reports, agendas, minutes, electronic messages, and other documents. Facilitates organizational efficiency by preparing and sending outgoing mail and sorting and distributing incoming mail; and maintaining electronic and tangible files and records. Assists staff and the public by researching and providing information. May maintain inventory and order and distribute office supplies. Schedules travel and lodging for work group and completes associated paperwork. May handle confidential information if assigned. Reports to the Town Manager.

**SPECIFIC DUTIES & RESPONSIBILITIES:**

**Essential Job Functions**

Answers telephones, greets visitors and receives inquiries. Provides basic information on Town operations and activities. Refers callers to appropriate staff or agencies as necessary. Records and routes messages for staff as necessary.

Uses various computer software programs (e.g., Microsoft Office Word, Excel, file maintenance programs, and other specialized information systems) to compose and/or design and/or type material that may require a variety of complicated formats for preparing correspondence, reports, forms, certificates evaluations, transcripts, and other documents from handwritten or typed copy or audio recordings. Enters, stores and/or retrieves data and information as requested or necessary. Assumes responsibility for spelling, punctuation, grammar, and format. Proofreads correspondence, reports, forms, and other material, ensuring proper content, spelling punctuation, grammar, and format. Obtains correct signatures and makes duplicates as needed. Retains, files, and distributes copies as needed.

Establishes and maintains appropriate electronic and manual filing systems. Files and retrieves materials. Coordinate records retention program ensuring that all documents are retained or destroyed in accordance with statutes, policies and procedures.

Performs a variety of clerical support functions including, but not limited to, filing and retrieving filed materials; copying and distributing various documents; preparing travel vouchers, requisitions, purchase orders, and cash receipts. Maintains records of office supplies received and disbursed among departments.

May assist other staff with the preparation of grant applications or other governmental reports by researching, analyzing information, drafting correspondence, or completing forms. Processes outgoing mail; sorts and distributes incoming mail daily.

May prepare purchase orders and maintain status of “open” purchase orders.

May attend meetings as requested to take notes and record minutes.

May transcribe and file meeting minutes.

May assist with preparing background materials for agendas or other documents.

Records inquiries or complaints received routing them to the appropriate department for action.

Prepares photocopies of various materials and distributes as requested or appropriate.

#### MINIMUM TRAINING & EXPERIENCE:

Graduation from high school, or completion of GED and 2 years of experience in secretarial and administrative work; use of word processing, spreadsheet and file management programs or any equivalent combination of training and experience that provides the required knowledge, skills and abilities. Must possess a valid Florida Driver’s License, have and maintain an acceptable driving record, and reliable transportation.

Town of Malabar  
Executive Administrative Assistant

Under minimal supervision, performs administrative functions in direct support of the Town's Executive Staff (Town Manager, Town Clerk, and Town Treasurer). Expected to be a motivated self-starter capable of researching, analyzing information, and producing quality recommendations to executive staff. Demonstrate initiative, discretion and tact in all communications verbal or written. Routinely interacts with the public, vendors, contractors, and Federal, State, or Local governmental or non-profit entities. May handle confidential information and provide administrative support to Town departments (Building Dept., Public Works Dept., and Fire Dept.) Reports to the Town Manager.

**SPECIFIC DUTIES & RESPONSIBILITIES:**

**Essential Job Functions**

Conserve executive's time by reading, researching, and routing correspondence; drafting letters and documents; collecting and analyzing information; initiating and facilitating calls, video conferences, and meetings.

Complete projects and special assignments by establishing objectives; determining priorities; managing time; gaining cooperation of others; monitoring progress; problem-solving; adjusting plans.

Coordinate with various staff to ensure that documents provided are prepared and routed properly and that these materials are ready for final review and signature.

Provides administrative and clerical support to multiple executive level staff. Managing time-sensitive work products appropriately.

Participates in various department, Town, and public projects and events.

Responds to inquiries from the public in person, by telephone, and electronic communication. Provides information based on considerable knowledge of Town operations and activities. Refers callers to appropriate staff or agencies as necessary.

Demonstrate initiative, discretion, and tact in managing email, telephone calls and other requests. Ensure all correspondence is accurate, complete, and properly handled.

Uses various computer software systems to produce memoranda, letters, departmental procedures, agendas, resolutions, ordinances, and other documents as required. (e.g. Microsoft Office, Adobe Acrobat, and other industry specific applications for building permits, citizen contacts, or finance.)

Attend meetings to take notes and record minutes or represent the interests of executive staff members as directed.

May assist with preparing payroll and personnel forms for worker's compensation, accident reports, insurance, and other necessary related forms or payroll functions as required.

**MINIMUM TRAINING & EXPERIENCE:**

Graduation from an accredited university with an associate degree or equivalent experience and 5 years of experience in secretarial and administrative work (local government experience and bachelor's degree preferred). Must possess a valid Florida Driver's License; have and maintain an acceptable driving record, and reliable transportation.

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 11 a.

Meeting Date: July 17, 2023

Prepared By: Matthew Stinnett, Town Manager

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**SUBJECT: Expansion of Town Hall Continued Discussion**

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### **BACKGROUND/HISTORY:**

Expanding the existing Town Hall could provide for an improved office space lay-out (increased space for the building department) and consolidation of the administrative offices would provide for additional Council Chamber space.

Maximum additional building size 1200 square feet without encroaching on current septic location.

For this concept to come to fruition the Town would need to address several considerations to include:

#### ADA Compliance

Per ADA regulations at least 20% of the construction costs would need to be set aside for removing barriers such as widening door frames, adding automatic doors, moving and increasing the size of the restrooms, or other upgrades.

#### Fire Safety

Total occupancy of 301 or more people would create the necessity for upgrades such as a fire alarm system, sprinklers, and drilling a fire well. The additional space in the Council Chambers would increase occupancy from 99 to 215 people. The office space including the expansion would bring total occupancy up to approximately 240 people.

#### Mechanical

Electrical work may be needed to upgrade current main panel which is full.

Plumbing changes due to ADA requirements on the restrooms and the additional occupancy may require upgrading septic system.

Airconditioning system likely has capacity for additional floorspace.

#### Parking

Current parking at Town Hall is insufficient and in the right of way, with a moderately attended meeting people park on the railroad property across the street. Increased meeting space would allow for additional seating but increase the parking needs.

#### Proximity to Railroad

Some actions could be taken to reduce the experienced sound from passing trains such as replacing windows and doors, but it will likely continue to be a nuisance. The risks of derailment will also persist.

#### Impact on current workspace

During construction the current workspace would have to be moved temporarily or reorganized to accommodate the construction activity. Additional costs/efforts would be needed to remodel the Council Chambers to accommodate additional seating once the offices are reorganized into the new workspace. Including: new/additional seating, flooring, dais, sound equipment, and



lighting as well as the demolition of old office walls, construction of ceiling, rerouting/elimination of electrical and communication lines, etc.

### Land

The building is currently on a non-conforming lot and does not meet several of the Town's size and dimension requirements including frontage on Malabar Road, and setbacks on the east, north and west sides. The current structure also encroaches on the neighboring property with both its roofline and air conditioning units. Efforts should be made to correct this by acquiring additional land from the neighboring property that has been encroached upon.

### **Alternative options:**

#### New Town Hall

Significantly more expensive option but could be built as desired to solve many of the constraints caused by the current building and location. Will also avoid any significant impacts on daily operations during construction.

If this option is more favorable, it should be incorporated into the capital improvement plan so that cash can be reserved, or financing planned out.

#### No Build Option

Deferral of construction can lead to higher build costs in the future but allows for current resources to be focused on other priorities.

### **FINANCIAL IMPACT:**

Building department reserves available to be used on building department portion ~\$300,000

Other funding needed for Council chamber renovations.

Estimated construction costs \$200-250 per square foot. Total: \$240,000-\$300,000

### **ATTACHMENTS:**

Mayor Reilly presentation.

### **ACTION OPTIONS:**

Discussion.

# Malabar Town Hall



## Present Town Hall

- 30' width x 92' length
- 2,760 sqft
- Built in 1969

# Option 1

## Add onto Malabar Town Hall

Septic and Drainfield Area

Add a 30' width x 40' length extension



### Updated Town Hall

- 30' width x 132' length
- 3,960 sqft

### Benefits

- We own the land
- Add 1,200 sqft
- Lower Cost

### Disadvantage

- Roof is already over the property line

# Option 2 New Malabar Town Hall







## New Malabar Town Hall

### Town Hall

- 60' width x 100' length
- 6,000 sqft
- Fire station is 60' width x 110' length
- 75' setback from Malabar Rd
- 1 or 2 story building
- Model like Grant/Valkaria's Town Hall
  - 50' width x 88' length building
  - 8' width x 96' length front porch
  - 8' width x 50' length side porch

### Benefits

- We own the land
- Close to Fire Station
- More of a Town Center

### Disadvantage

- Expensive Cost

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 11 b.

Meeting Date: July 17, 2023

Prepared By: Matthew Stinnett, Town Manager

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**SUBJECT:** Code Enforcement Action – CM Scardino

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**BACKGROUND/HISTORY:**

CM Scardino requested discussion on code enforcement.

The Town takes a reactive approach to code enforcement, receiving complaints, investigating, and providing ample time and warnings before pursuing fines and legal action. Most cases are resolved with minimal efforts to provide notice and education on the code to a property owner. The Town occasionally encounters a property owner that is unwilling to comply, leading to a much more time intensive and involved case.

One way to improve the response consistency and service level would be to enlist the services of our current building official contractor CAP Government. They can provide a code enforcement officer on an as needed basis, under the direction of the Town Manager.

The current budget does not have funding for adding a code enforcement officer. Given the nature of code enforcement the time required is challenging to forecast but a budget of \$2000-\$3000 should be more than sufficient to cover the Town's needs for the rest of this fiscal year. A budget of around \$10,000 should be sufficient to cover the needs of a full fiscal year.

**ATTACHMENTS:**

None

**FINANCIAL IMPACT:**

Estimated budget for remaining FY \$2000-\$3000

Estimated budget for a full FY \$10,000

**ACTION OPTIONS:**

Discussion.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 11.C**

Meeting Date: July 17<sup>th</sup>, 2023

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Fee Resolution Review – CM Scardino**

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### **BACKGROUND/HISTORY:**

CM Scardino requested the Town's Fee Resolution be brought before Council for review and discussion. The Fee Resolution dictates what charges can be levied by staff for certain services. It is generally approved by Council once per year at or around the beginning of each fiscal year.

As the Town moves towards budget season, any increases or decreases to Fees in the Fee Schedule should be accompanied by an increase or decrease in its respective budget line item.

In the past year, several discussions have been heard that may be suited for resolution in the Fee Resolution Update:

- Park Reservations (Not Included)
- Public Record Requests (Currently in Resolution 10-2017)
- Culvert/Engineering Fees (CM Scardino)

### **ATTACHMENTS:**

- Resolution 20-2022

### **FINANCIAL IMPACTS:**

- Undetermined at this time.

### **ACTION:**

- Discussion.

**RESOLUTION 20-2022**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PERTAINING TO THE ANNUAL REVIEW AND APPROVAL OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town of Malabar’s Code of Ordinances requires assessment of various administrative and permit fees; and

**WHEREAS**, the Town of Malabar’s Ordinances and Land Development Code require that the Town Council for the Town of Malabar impose said administrative fees; and

**WHEREAS**, the Town Council of the Town of Malabar has determined that an annual review by staff of the administrative fee schedule is appropriate to update fees to cover the actual costs of professional review, administrative time, legal advertising, and mailing costs for notices.

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

**SECTION 1. ADMINISTRATIVE FEES.** The Town of Malabar does hereby revise administrative fees in accordance with the Town of Malabar’s Code of Ordinance and Land Development Code to reflect the actual costs more accurately in 2022/2023.

**A.**

Building Permit Plan Review & Inspections by Private Provider per F.S. 553 (Reso 06-2020)	25% discount
Conditional Use Permit Application	\$175.00 plus site plan review fee
Contractor Registration Fee:	\$40.00
Property Culvert Permit:	\$100.00 plus actual Engineering Plan
Development Agreement:	\$500.00
Road Construction Application ( <u>Plus Building Permit Fee</u> ):	Street Length up to 200 feet - \$800.00 Street Length up to 400 feet - \$825.00 Street Length up to 600 feet - \$890.00 Street Length up to 800 feet - \$930.00 Street Length up to 1000 feet - \$1010.00 Street Length up to 1200 feet - \$1080.00 Street Length up to 1400 feet - \$1120.00
Final Plat S/D Review	\$1,200.00
Future Land Use Map Designation Change:	\$300.00 plus rezoning fee
Golf Cart Registration	One-time fee ( <del>\$50.00</del> ) and no renewal fee



Land Clearing (Ref. LDC Article XV, Section 1-15.8 – 1-15.10):	see below
Type I-IV, Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$50.00 for Properties 2 acres or Less \$10.00 per additional acre or portion thereof
Type I-IV, Non-Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$100.00 for the 1st acre plus \$10.00 per additional acre or portion thereof
Type V, Residential Property, Non-removal of trees, land clearing permit	Permit, Review, Inspection: <del>\$10</del> <u>\$30.00</u> Building Admin Fee Permit, Review, Inspection: \$40.00 for Properties 2 acres or less, plus <del>\$5</del> <u>\$10.00</u> per additional acre or portion thereof
Type V, Non-Residential Property, Non-removal of trees, land clearing permit	Permit, Review, Inspection: <del>\$10</del> <u>\$30.00</u> Building Admin Fee \$50.00 for the 1 <sup>st</sup> acre plus \$10.00 per additional acre or portion thereof
Land Fill (Ref. LDC Article V, Section 1-5.22):	See below
Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$50.00 for Properties 2 acres or Less \$10.00 per additional acre or portion thereof
Non-Residential Property	Permit, Review, Inspection: \$30.00 Building Admin Fee \$100.00 for 1 <sup>st</sup> acre plus \$10.00 per additional acre or portion thereof
Planned Unit Development (PUD) review:	\$900.00 plus \$40.00 per acre
Planned Unit Development (PUD) final:	\$900.00 plus \$40.00 per acre
Pond Permit:	Engineering costs only for ponds <1/4 acre; \$25.00 per 1000 sq. ft. of pond area for ponds over 1/4 acre in size plus engineering costs
Pre-Construction Conference for S/D or Commercial Development	\$300.00
Preliminary Plat S/D Review	\$1,500.00

Request for Council Action on an Item not specifically provided for in the administrative fee schedule regarding matters of land development	\$300.00
Rezoning Request: Commercial	\$1,500.00 for the 1 <sup>st</sup> acre plus \$10.00 per each additional acre or portion thereof
Rezoning Request: Residential	\$625.00 for the 1 <sup>st</sup> acre plus \$10.00 per each additional acre or portion thereof
Road Improvement Waiver Application – Commercial Purposes	\$1,500.00
Road Improvement Waiver Application – Residential Purposes	\$300.00
Road Naming / Renaming Requests:	\$50.00
Road Vacate and Abandonment Requests:	\$425.00
Site Plan minor (including SFR)	\$150.00
Site Plan Pre-Application Conference (mandatory): except SFR (Ref Article VII, Sec 1-7.1.5)	\$500.00
Site Plan Review:	\$900.00 for 1 <sup>st</sup> acre plus \$50 for each additional acre or portion of acre
Special Exception:	\$175.00 plus site plan review fee
Subdivision S/D or Commercial Development Pre-App Conference (mandatory)	\$1,500.00
Tree Removal – Multiple	Permit, Review & inspection \$40.00 per tree
Tree Removal – Type IV Permit – dead, diseased or in fire buffer – non-invasive only	\$50.00
Variance Request to Board of Adjustment: Commercial	\$1,750.00
Variance Request to Board of Adjustment: Residential	<del>\$800.00</del> See Below (Fee based on lot size)
<u>0-3 Acres</u>	<u>\$400.00</u>
<u>3-10 Acres</u>	<u>\$800.00</u>
<u>10 + Acres</u>	<u>\$1,275.00</u>
Written zoning verification or for the availability of Town Services	\$50.00

**B.** No permit, certificate, or other related document, and no inspections, public notice, or other action shall be instituted until such fees, costs, and charges have been paid. When in accordance with Town codes, a fee is paid, and registration submitted, there shall be no return or rebate of any funds so received, regardless of the Town’s determination in the subject matter. All fees, costs, and charges shall be, upon collection, deposited in the appropriate fund of the Town.

**SECTION 2. CONFLICTS.** All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

**SECTION 3. SEVERABILITY.** In the event a court of competent jurisdiction shall hold or determine that any part of this resolution is invalid or unconstitutional, the remainder of the resolution shall not be affected, and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member Vail. The motion was seconded by Council Member Rivet and, upon being put to a vote; the vote was as follows:

- Council Member Marisa Acquaviva Excused
- Council Member Brian Vail Aye
- Council Member Steve Rivet Aye
- Council Member David Scardino Aye
- Council Member Mary Hofmeister Aye

This Resolution was then declared to be duly passed and adopted this 3rd day October 2022.



**TOWN OF MALABAR**

By:

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

ATTEST:

Richard W. Kohler  
Richard Kohler, C.M.C.  
Town Clerk

Approved as to Form and Content:

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

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 11.d**

Meeting Date: July 17<sup>th</sup>, 2023

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: R/LC Code Change Discussion**

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### **BACKGROUND/HISTORY:**

From 2015 to 2019, the Town of Malabar discussed, reviewed, and updated its code language for the Residential/Limited Commercial (R/LC) Zoning designation. During the discussion, Table 1-3.1, Permitted Combinations of R/LC Land Uses, was recommended by Planning and Zoning, but not included in the final adoption of the codes. Mayor Reilly has requested the issue be reheard by Council.

### **ATTACHMENTS:**

- Section 1-3.1 of Town Code
- Suggested changes to Section 1-3.1, Purpose and Intent of Districts
- Minutes of Council Workshops of 03/27/2017 & 01/22/2018.
- Minutes of P&Z Meetings of 3/11/2015

### **FINANCIAL IMPACTS:**

- None.

### **ACTION:**

- Direct Staff to draft Ordinance to include Table 1-3.1, Permitted Combinations of R/LC Land Uses into the Town Code.

Section 1-3.1 of  
Town Code  
(Current  
Language)

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

- A. *CP "Coastal Preserve."* The CP district was originally established by the Town Council through Ordinance Number 7-1-76, § 5.12 and Ordinance Number 7-12-79 § 1. This district is intended to preserve a narrow strip of land east of highway US 1 directly abutting the Indian River Lagoon, a State designated Aquatic Preserve. The district provisions are intended to assist in implementing land use, coastal management, and conservation goals, objectives, and policies within the comprehensive plan. For instance, the district provisions reduce exposure to natural hazards to persons or property as a result of windstorms and high tides; preserve the marine resources of the Aquatic Preserve; and restrict usage to noncommercial piers, boat slips, and docks.
- B. *RR-65 "Rural Residential."* The rural residential district is established to implement comprehensive plan policies for managing rural residential development at a density not to exceed one and one-half (1.5) acres per dwelling unit. The district is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lot rural residential home sites. The areas designated for rural residential development generally contain few urban services and the street system is generally incapable of carrying traffic generated by more intense urban development. The district is intended to accommodate and preserve a unique lifestyle which cannot be accommodated in more dense residential areas.
- C. *RS-21 "Single-Family Low-Density Residential."* This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The RS-21 district is established in order to protect the quality and character of existing and future conventional single-family low-density neighborhoods, preserve open space, and manage future densities in order to assure compatibility with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- D. *RS-15 "Single-Family Medium-Density Residential."* The RS-15 district is designed to accommodate traditional single-family development on lots not less than 15,000 square feet. The district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- E. *RS-10 "Single-Family Medium-Density Residential."* The RS-10 district is established to implement comprehensive plan policies for managing traditional single-family residential development on lots not less than 10,000 square feet. This district is established to preserve the stability of existing and future single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that they are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- 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.
- G. *RM-4 "Multiple-Family Medium-Density Residential."* The RM-4 district is established to implement comprehensive plan policies for managing medium-density residential development not to exceed four units per acre. The district is established to ensure sufficient land area for development of medium-density multiple-family residential developments which are fully serviced by adequate public facilities. Sites for medium-density multiple-family residential development shall be located so that they provide a smooth transition between low density residential development and areas developed and/or designated for more intense uses.
- H. *RM-6 "Multiple-Family High-Density Residential Development."* The RM-6 district is established to implement comprehensive plan policies for managing high-density residential development at a density not to exceed six units per acre. The district is established to ensure that sufficient land is available for developments of high-density residential development and is intended to ensure availability of adequate public facilities.
- I. *OI "Office-Institutional."* The OI district is established to implement comprehensive plan policies for managing office-institutional development. This district is designed to accommodate businesses and professional offices together with institutional land uses on sites which:
  - Have accessibility to major thoroughfares;
  - Have potential to be served 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 adjacent land uses of differing intensities;

- Accommodate only office buildings and institutional land uses and shall expressly exclude residential uses (except those Community Facilities defined as Nursing Homes and Related Health Care Facilities in 1-2.6.B.10(B)), 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.

- A Malabar Vernacular Style is required for all development along arterial roadways.

J. *INS "Institutional Services."* The INS district is established to implement comprehensive plan policies for managing institutional development. The district is intended to accommodate public and semi-public facilities such as government administration 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 district.

K. *CL "Commercial Limited."* The CL district is established to implement comprehensive plan policies for managing limited commercial development 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 district are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets:

- Neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional market; or
- A specialized market with customized market demands.
- A Malabar Vernacular Style is required for all development along arterial roadways.

Areas designated for limited commercial development are not intended to accommodate large-scale retail sales, services, and trade activities, generally serving a city-wide or regional market. Such stores would usually differ from limited commercial shops since the former would usually require a larger floor area, carry a relatively larger inventory and require 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; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposable containers and/or providing drive-in facilities. No residential uses shall be located in the limited commercial district.

L. *CG "Commercial General."* The CG district is established to implement comprehensive plan policies for managing general commercial development. The general commercial district is designed to accommodate general retail sales and services. Sites designated for CG zoning shall be located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements required by general commercial land use activities.

The general commercial district shall also accommodate commercial trades in strategically designated areas as defined in the conditional use criteria. Development standards within the land development code shall require that site plans incorporate amenities necessary to prevent potential adverse effects on the traffic circulation system, public services, and residential development within the vicinity.

The general commercial district is not intended to accommodate manufacturing, processing, or assembly of goods, sales and services of heavy commercial vehicles and equipment, or related services or maintenance activities; warehousing; uses requiring extensive outside storage; or other activities or trades which may generate nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration or major fire hazards. Finally, no permanent residential housing shall be located within the general commercial district.

The location and distribution of general commercial activities shall be determined based on the following considerations:

- Trip generation characteristics, impact on existing and plan transportation facilities and ability to achieve a functional internal circulation and landscaped off-street parking system;
- Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation, and floor area requirements;
- Compatibility with and impact on other surrounding commercial activities;

- Relationship to surrounding land uses and natural systems; and
- Impact on existing and planned community services and utilities.
- A Malabar Vernacular Style is required for all development along arterial roadways.

M. *IND "Industrial."* The industrial district is established to implement comprehensive plan policies for managing industrial development. In locating industrial districts, consideration shall be directed to selecting sites accessible to rail facilities, terminal facilities, major arterials, labor markets, and necessary urban services. Industrial districts shall not include residential activities. However, residence for night watchman or custodians whose presence on industrial sites is necessary for security purposes may be approved as an accessory use. Industrial districts shall be accessible to major thoroughfares and shall be buffered from residential neighborhoods.

Any additional industrial zoning shall be consistent with the comprehensive plan, including criteria for siting industrial activities, including but not limited to, policy 1-1.3.1, policy 1-1.3.2, and policy 1-1.3.3.

N. *PUD "Planned Unit Development."* The PUD district is established to implement comprehensive plan policies for managing planned unit development. The comprehensive plan incorporates policies encouraging innovative development concepts, including mixed use development. The planned unit development is intended to provide a voluntary framework for coordinating objectives of developers which may require departures from established public policy. The planned unit development district provides 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 land development code incorporates detailed regulations, standards, and procedures for implementing the planned unit development concept.

The planned unit development district 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. Developers who voluntarily participate in the process shall bind themselves as well as their successors in title to the stipulations within the development order approving the planned unit development district.

O. *R/LC "Residential and Limited Commercial."* The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use Residential and Limited Commercial development on the Comprehensive Plan Future Land Use Map (FLUM). Such development is intended to accommodate limited commercial goods and services together with residential activities on specific sites designated "R/LC" which are situated along the west side of the US 1 corridor, situated on the north and south side of Malabar Road and those sites on the east side of Babcock Street as delineated on the FLUM. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a density up to six (6) units per acre. Commercial activities shall generally cater to the following markets:

- Local residential markets within the town as opposed to regional markets; or
- Specialized markets with customized market demands.
- A Malabar Vernacular Style is required for all development along arterial roadways.

Areas designated for mixed use Residential and Limited Commercial development are not intended to accommodate commercial activities, such as large-scale retail sales and/or service facilities or trade activities. These types of commercial activities generally serve regional markets, and the intensity of such commercial activities is not generally compatible with residential activities located within the same structure or located at an adjacent or nearby site. Such stores would usually differ from limited commercial shops; would generally carry a relatively larger inventory; and require 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; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive-in facilities.

P. *RVP "Recreational Vehicle Park."* The RVP district is established to implement comprehensive plan policies for managing local zoning and site development design criteria on land specifically designated for Recreational Vehicle Park(s) as designated by F.S. ch. 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code.



Suggested changes to  
Section 1-3.1, Purpose  
and Intent of Districts  
by Mayor Reilly

**RECEIVED FROM REILLY 4/2/2015 BY EMAIL**

O.

*R/LC "Residential and Limited Commercial."* The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use **Rural** Residential and Limited Commercial development on the Comprehensive Plan Future Land Use Map (FLUM). **R/LC is intended for flexible land uses including elements of rural and agricultural applications as well as allowing limited commercial applications within a mixed-use district(s).**

Single family or multiple family residential uses with a density no greater than six (6) units per acre may also be located in the R/LC district. 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 district is intended and shall be interpreted to be a "commercial" **residential** district, **until such time as application is made and accepted for a Limited Commercial activity, and shall then comply** with respect to **the** required setbacks and other size and dimension provisions referenced by zoning district **as shown in Table 1-3.3(A), in this Code.**

Such development is intended to accommodate limited commercial goods and services together with **rural** residential activities on specific sites designated "R/LC" ~~which are situated along the west side of the US 1 corridor as delineated on the FLUM.~~ **This residential land use shall permit multiple family residential development, limited commercial development separately where current infrastructure allows, or as a combination of these uses as regulated by Table 1-3.1 and Table 1-3.3(A).**

For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a **maximum** density up to six (6) units per acre. **A building(s) or portions of a building may have residential or commercial uses(s), or a combination of both. Residential/ Limited Commercial activities shall generally cater to the following markets:**

- o Local residential markets within the town as opposed to regional markets; or
- o Specialized markets with customized market demands.
- o A Malabar Vernacular Style is required for all development along arterial roadways. (see Article V General Provisions Section 1-5.29)

**Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one as regulated by Table 1-3.1.**

**Commercial use(s) shall not exceed residential dwelling unit(s) by more than one as regulated by Table 1-3.1.**

**Table 1-3.1. Permitted Combinations of R/LC Land Uses**

Total Units/ Uses	Residential	Limited Commercial
1	1	0
1	0	1
2	1	1
3	2	1
3	1	2
4	2	2
5	3	2
5	2	3
6	3	3

Areas designated for mixed use Residential and Limited Commercial development are not intended to accommodate commercial activities with a floor area in excess of four thousand (4,000) square feet, such as large scale retail sales and/or service facilities or trade activities. These types of commercial activities generally serve regional markets and the intensity of such commercial activities is not generally compatible with residential activities located within the same structure or located at an adjacent or nearby site. Such stores would usually differ from limited commercial shops since the former would usually require a floor area larger than four thousand (4,000) square feet; would generally carry a relatively larger inventory; and require 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; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles; heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive in facilities.

*(Ord. No. 94-1, § 2, 4-3-95; Ord. No. 07-02, §§ 1-4, 4-2-07; Ord. No. 14-01, § 2, 2-3-14)*

Clean Copy (easier reading)

O.

*R/LC "Residential and Limited Commercial."* The R/LC district is established to implement comprehensive plan policies for managing development on land specifically designated for mixed use Rural Residential and Limited Commercial development on the Comprehensive Plan Future Land Use Map (FLUM). R/LC is intended for flexible land uses including elements of rural and agricultural applications as well as allowing limited commercial applications within a mixed-use district(s).

Single family or multiple family residential uses with a density no greater than six (6) units per acre may also be located in the R/LC district. 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 district is intended and shall be interpreted to be a "residential" district, until such time as application is made and accepted for a Limited Commercial activity, and shall then comply with the required setbacks and other size and dimension provisions referenced by zoning district as shown in Table 1-3.3(A).

Such development is intended to accommodate limited commercial goods and services together with rural residential activities on specific sites designated "R/LC". This residential land use shall permit multiple family residential development, limited commercial development separately where current Infrastructure allows, or as a combination of these uses as regulated by Table 1-3.1 and Table 1-3.3(A).

For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods as well as single family and multiple family structures with a maximum density up to six (6) units per acre. A building(s) or portions of a building may have residential or commercial uses(s), or a combination of both. Residential/ Limited Commercial activities shall generally cater to the following markets:

- o Local residential markets within the town as opposed to regional markets;  
or
- o Specialized markets with customized market demands.
- o A Malabar Vernacular Style is required for all development along arterial roadways. (see Article V General Provisions Section 1-5.29)

Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one as regulated by Table 1-3.1.

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Total Units/ Uses	Residential	Limited Commercial
1	1	0
1	0	1
2	1	1
3	2	1
3	1	2
4	2	2
5	3	2
5	2	3
6	3	3

Minutes of  
Council  
Workshop of  
03/27/2017

## MALABAR COUNCIL WORKSHOP MEETING

March 27, 2017

7:30 PM

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

### A. CALL TO ORDER:

The meeting was called to order at 7:30 pm by Chair Mayor Reilly. Prayer & Pledge were said by Council Chair, Mayor Patrick T. Reilly.

### B. COUNCIL:

COUNCIL CHAIR:	MAYOR PATRICK T. REILLY
VICE-CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL, not present
	LAURA MAHONEY
	DICK KORN
	RICHARD KOHLER
ADMINISTRATOR	DOUG HOYT, excused
CLERK/TREASURER:	DEBBY FRANKLIN

### C. WORKSHOP ACTION: DISCUSSION ON R/LC - Definition

Chair recapped their homework assignment.

Referred to the Council Member Notebook each got for the FLUM and R/LC issue. In book under Land Use Code, Section 1, definition "O" - current and proposed language - see what you like and what you don't like. Done in April 2015. Chair gave summary of P&Z intent was to make residential use first and then limited commercial below it. Then they created a table if you wanted to put multiple uses of R/LC. It is plus or minus one. The attorney suggested that they take it out but he believes it should remain in. This is the key thing on what R/LC. CM Rivet does not have a problem with the words, only with where it is. Mayor wants a straw vote on the words.

CM Korn does not like the quotas. Do not need to be so tight on the rules. Built reputation on live and let live in this rural community. CM Korn said it is hard to regulate. Chair gave example of current residential and adjacent property owner wants to put in six LC. That was P&Z thinking.

CM Mahoney asked about the four units vs. six units. Yes, presently zoned on Hwy 1, and changed the use from 6 to 4 that was a hardship. She asked about the Maximum height in R/LC. Mahoney said it should be two stories. Can they have that in R/LC? Chair said the regulations are the same for all zonings. CM Korn asked if they can have other restrictions for newly developed areas on Malabar and Babcock. CM Kohler asked if they could do that? Ask the Attorney. CM Mahoney, if it is going to be for apartments there should be consideration for the rural nature and the possibility of more voters. CM Rivet said they should consider the intended uses first without consideration of the potential voters. CM Korn said they should develop business corridors. If they want to encourage businesses on the arterial roads they should develop something similar.

Ask Atty – can they have different regulations for R/LC re: parcels on Hwy 1 vs. parcels on Babcock and Malabar Roads? (Note: Attorney's response: Generally, I think the answer is yes if we have a rational basis so if privacy, aesthetics, compatibility, and any other rational reason is a concern then they can. You might want to consider a height adjustment if they want to go higher as a conditional use but you would need to establish objective criteria for the conditional use for instance height of the neighboring structure, distance from neighboring structure, etc.)

CM Korn said we are known as "Rural living at its best". Need to develop business districts. They could have different requirements in Palm Shores and Grant Valkaria have designated business districts. We should develop something similar. CM Rivet does not have problem with business on

arterial roads but if they go beyond 660' in depth, then it is encroaching on the RR lifestyle. Problem when it encroaches into the rural areas.

Then they started reviewing the maps from 12/7/2015. Clerk brought up Map 4: the left side is current land use and the right side is proposed. Consensus to change the R/LC from OI along Babcock only the depth of one lot until Osage and then continue east to Prosperity. The "X" indicate homes. Consensus to change the five lots behind back to RR – only those 5 lots. Continue the CL along I-95 – yes. Consensus to keep.

Map 5: north side of Malabar Road: consensus to support the proposed changes.

Map 5: south of Malabar Road. Currently used for cow grazing. The depth is 1320' to keep the parcels intact. Consensus to keep as indicated on the "Present land use" on the parcels west of Weber Road.

Mayor said the OI is 8 to 5 type of businesses. CM Kohler said for operating purposes the OI is for 8 to 5 pm but it could be used after hours. CM Rivet said by splitting the land use from front to back would only occur if property owners request the corresponding rezoning. CM Mahoney said one of those parcels will be adjacent to current building of a home in Weber Woods SD.

Mayor went through the approved uses for OI in commercial in venture. For community services, he listed others uses – he does not see it as high intensity usage near the hospital.

Map 6: For the parcels, east of Weber Road change to 660' maximum depth but make them R/LC not OI. CM Kohler stated his notes indicate the property owner of one of the large lots wanted her entire parcel to become R/LC. CM Mahoney wants to protect existing houses from being peered into by adjacent higher commercial structures.

Map 7: Go with P&Z recommendation

Map 8: Go with recommendation on north side. On south side change depth to 660'

Map 9: Go with recommendation

Maps 10 and 11: Go with recommendation

Map 12: parcel identified as RR should be Conservation – same issue on Maps 113 and 14.

CM Rivet appreciates members agreeing to compromise on the depth to retain the rural characteristics.

Council took a straw vote to hold the next workshop on April 24, 2017 at 7:30pm. CM Korn will be out of town.

Chair Reilly, without objection, adjourned the meeting at 8:45 pm.

BY: Patrick T. Reilly  
Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST:

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

Approved: RTCM 3/6/2017 as amended



Minutes of  
Council  
Workshop of  
01/22/2018

**MALABAR COUNCIL WORKSHOP MEETING**

**January 22, 2018**

**7:30 PM**

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

**A. CALL TO ORDER:**

The meeting was called to order at 7:30 pm by Chair Mayor Reilly. Prayer & Pledge were said by Council Chair, Mayor Patrick T. Reilly.

**B. COUNCIL/COMMITTEE:**

COUNCIL CHAIR:

MAYOR PATRICK REILLY

VICE-CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

DANNY WHITE

ADMINISTRATOR

DOUG HOYT

CLERK/TREASURER:

DEBBY FRANKLIN

**C. WORKSHOP ACTION: DISCUSSION ON R/LC -**

b

Chair recapped previous workshop meetings and mentioned the one request by Mr. Krieger to be removed from the proposed change. He will make that change to the maps.

Chair went over the need to proceed with the FLUM update referencing the seven-year cycle of Evaluation and Appraisal Report. Malabar's was due by August of last year with the changes Council agreed to in 2016. That deadline was not met. We are now out of compliance.

CM Rivet reiterated that we need to fix it. CM Korn asked specifically about the question about if Council changes the FLUM – Council will not change the zoning. He has been asked by constituents if doing this will increase the tax value.

Mayor explained the difference. Updating the FLUM will not cause an increase in property value. If and when a property owner desires to develop in accordance with the updated FLUM, they would make application for the corresponding zoning change. That process as described in the Land Development Code would require the request to be reviewed by P&Z and then put to Council for action. The Mayor said since the request is in line with the approved FLUM it should be approved. Discussion about the need to send to P&Z. The LDC does not provide an expedited process when a request is in line with the approved FLUM. Council could consider an amendment to provide for this in the future.

CM Ball and CM White both expressed concern that this change will only update the Future Land Use Designations for Future Development as approved by Council. Franklin said there will be language stating that the legislative body supports R/LC (Residential/Limited Commercial) development along the main corridors; it will be an overlay for the perceived future development of Malabar. The text will emphasize the intent for such future R/LC growth only within this area is done in order to protect the rural residential character of the interior of the community. Franklin said that is why Council voted at the last meeting in April 2017 to reduce the depth from 1,320' to 660'. The LDC already provides for buffering requirements.

CM Mahoney said the only thing we are out of compliance with is the conservation area. She stated if the Council were to make that change they would be in compliance. Chair asked Franklin if that was correct. Franklin referred to the Agenda Report, bottom on page 1 and continuing to the next page of what the State Dept. of Economic Opportunity has stated they will be looking for in order to determine compliance.

Franklin said we can make the changes to the conservation and submit it, after legal ads, notices, etc. and be found lacking. Then the Town would have to make additional changes to the R/LC, time lines, horizons and amendments due to state legislation and publish additional legal ads, notices, etc.

The State has told us what they will be looking at in order to determine compliance. They want to help us get compliant; they are not adversarial.

CM Mahoney then asked if language should be added that clarified that if a developer brings water and sewer that adjacent property owners would not be required to hook up. CM Korn thought that had been addressed. The Mayor asked Franklin.

Franklin said this concern raised and there is nothing that would require a SFR to hook up to water and the only requirement to hook up to sewer was if the State determined the septic had failed and was polluting the water table, adjacent wells or the IRL and could not be repaired. Franklin was not aware of the scenario CM Korn stated.

CM Ball said the language of "unless required by the State" is the cause for concern.

CM Mahoney requested that the language be added to restrict the rights for water and sewer hook-up. CM Rivet stated he was insistent on the language requirement she referred to in the sales contract. The Town of Malabar will never require or mandate hook-up to water or sewer by any property owner. The contract includes statutory language that does state that if the Florida Department of Health determines that the septic system is failing and cannot be corrected that "the State" shall mandate hook-up to the sewer. Franklin will get CM Mahoney another copy of the sales contract documents.

CM Ball is concerned that if the current areas under State conservation are determined in the future to no longer be conservation the current FLUM designation could allow for undesired development. CM Mahoney asked about changing the land use from RR to CON in the map 13. That is the Jordan Scrub Sanctuary; 400+/- acres of conservation managed by the EELs. Franklin explained the reasoning to make the FLUM designation changes for those areas.

CM Korn asked about the table for the mixed-use allowance. Mayor said the language had already been approved by Council and was needed so there is no question when a person asks what can be done in R/LC. Mayor said if it is not well defined then there is wiggle room for other interpretations.

CM Rivet said we have gone through all the maps and the consensus is to make the change regarding Mr. Krieger's property and move forward with compliance.

The Mayor brought up the issue that the last Comp Plan was contracted for with a vendor and did not provide for the document in Word. We need to have it in a format we can amend in the future. He said Franklin has contacted the vendor for a cost to get the document in Word. Franklin has also got a resource to transcribe it into Word. Franklin stated we can work with the vendor for a compromise but the backup is to have it transcribed one element at a time. That way we can do future updates in house. Maps and tables would be additional expense.

CM Ball asked about the estimate of costs to accomplish this step; legal ads, notices, maps, typing etc. Could it be as much as 5K? Franklin thought that was a high estimate but probably a good working estimate. Franklin is proposing PH at Council at the 2<sup>nd</sup> mtg in March.

Council consensus to move forward and hold the next WS on 2/26/18 at 7:30pm. Franklin will work with Mayor to get map put together and order the radius maps to get updated parcel owner information for the USPS notices for the owners within 1000' of the proposed changes.

Chair Reilly, without objection, adjourned the meeting at 8:21 pm.

BY: Patrick T. Reilly  
Mayor Patrick T. Reilly, Council Chair



ATTEST: Debby Franklin  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer

Approved: RTCM 2/5//2018

Minutes of P&Z  
Meeting of  
03/11/2015

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING  
MARCH 11, 2015 7:30 PM**

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

**A. CALL TO ORDER, PRAYER AND PLEDGE:**

Meeting called to order at 7:30 P.M. Prayer and Pledge led by Chair Pat Reilly.

**B. ROLL CALL:**

CHAIR:	PAT REILLY
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	BUD RYAN, late 7:36PM
	WAYNE ABARE
	GEORGE FOSTER
ALTERNATE:	VACANT
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

**C. ADDITIONS/DELETIONS/CHANGES:** none

**D. CONSENT AGENDA:**

1. **Approval of Minutes** Planning and Zoning Meeting – 2/25/15  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval

**Motion: Ritter/ Abare to Recommend Approval of Minutes of 2/25/15 as corrected All Vote:**  
**Aye**

Ritter Corrections:

Page 3/28 in ROLL Call, George Foster is regular Board Member not an "Alternate".

Page 4/28 2<sup>nd</sup> parag. 6<sup>th</sup> line on right side sat instead of sit.

**E. PUBLIC HEARING:** none

**F. ACTION:** none

**G. DISCUSSION**

2. **Continue Discussion re: Future Land Use Maps and Defining R/LC**  
**Exhibit:** Agenda Report No. 2  
**Recommendation:** Discussion

Reilly explained to Board that in their packet Article III is updated from last meeting of 2/25/15.

The Board discussed page 9/28 second parag. Under "O" to add to last sentence Table(s) 1-3.1 & 1-3.3A.

Reilly discussed that the Council approved 0.20 density is the limit (Option #1) any acreage, no more 4,000sf. Reilly believes that anything over 4,000sf should be Condition Use VS Permitted. Reilly said if it is over a certain limit than a land change has to be done.

Ritter said why would you penalize land owners if it is the type of business that would fit in that zone. Reilly said he looked at the big picture changing Malabar Road, Babcock Street, and US 1 to a lot of R/LC. He is concerned with the huge buildings that could be built.

Foster said he knew the PZ Board has spent numerous hours on R/LC. Foster said instead of changing the zoning that he wanted to discuss an optional zoning for all the arterials. He said to let people come in on their own if they wanted that zoning. Ritter explained to Foster that R/LC is considered residential until landowners come in and request a limited commercial type business. Reilly said we are changing the land use to R/LC, not forcing the change.

Abare said the Town sees the future; they are not forced to change only if they come in to the Town.

Abare, Reilly and Board discussed about what can be done in the R/LC zoning.

Ritter said that no one should be forced into anything and whatever they bought the property at it should stay until they (property owners) decide to change these suggestions give them options.

Abare said the Town has a vision what they would like the land to be zoned, and it is not being forced on anyone. Ryan said this zoning allows you to do what you want.

Reilly said the verbiage needs to be fixed on page 10/28(PZ meeting 3/11/15). The Board looked at Table 1-3.3(A) on page 21/28 under R/LC commercial, take out ~~max. area 4,000~~.

Reilly said that we will be going by maximum building coverage of 0.20.

The Board worked on the verbiage on page 10/28.

Abare explained the R/LC to the audience and what this Board is presently doing, and that the P&Z is an advisory Board, ultimately everything goes to Council for approval. Abare said that Doug Dial is in the audience and has applied for an alternate position on this Board.

Reilly said to concentrate on next paragraphs on page 10/28 to correct verbiage. Reilly suggested that individually think of what to make these two paragraphs sound like. Make one paragraph "for" and one "not" to describe what is able to be done.

Reilly suggested that he and Liz would re-write the two paragraphs and the Board would bring their suggestions back to the next meeting. Ritter said to let what is in book do the work for us, then we just critique it.

The Board discussed the last paragraph on page 10/28 and moves it up to under second paragraph on page 9/28. Reilly suggested talking about "residential" first and "limited commercial" after that.

The Board discussed the district definitions. Abare asked about maps that go along with this R/LC.

Reilly showed the Board the Maps (June 2013) on overhead and discussed the maps. Reilly asked Sherear to email out to Foster, Abare, and Dial.

The board discussed "flag lots" and handouts (Town Attorneys opinion) were given to clarify that flag lots are only prohibited in our Code in subdivisions. (Section 1-17.2)

#### H. ADDITIONAL ITEMS FOR FUTURE MEETING

Flag Lot (Abare) no easement only ownership

#### I. PUBLIC

Juliana Hirsch 1035 Malabar Road, said in reference to the easements and flag lots, she had the front 5 acres of her property surveyed and she said she came up with an easement, she explained if someone buys the land the easement belongs to you but she can ease through it, but you can figure it into your 5 acres. Since we have a lot of people with 10 acre lots you cannot legally sell something that you do not have access to. Juliana said she would appeal to all the Boards since this is so different, we need to keep in mind to keep things reasonable and accommodate people of Malabar.

Abare discussed if you are going to do a flag lot, own the land instead of an easement.

Reilly suggested to clarify "flag lots" no easements only ownership.

#### J. OLD BUSINESS/NEW BUSINESS:

Abare introduced new P&Z Alternate.

Doug Dial 2580 Rocky Point Road, Malabar. Doug Dial said this is very interesting and he went through the book and it is very interesting, a lot of things you are discussing are very important to the Town. If I can learn more as an alternate I would be glad to serve. Abare told Doug about the Sunshine Law and explained to him that when he becomes an alternate they cannot talk any more about this stuff. Abare suggested coming to the Town and get briefed by staff on violating the Sunshine Law.

Ryan said for the record that he had called the Chair Pat Reilly to let him know he would be late for this meeting.

#### K. ADJOURN

There being no further business to discuss, MOTION: Ryan/Ritter to adjourn this meeting. Vote: All Ayes. The meeting adjourned 9:00 P.M.

BY:

  
Pat Reilly, Chair

  
Denine Sherear, P&Z Board Secretary

4/8/15  
Date Approved: as corrected