

**TOWN OF MALABAR
REGULAR TOWN COUNCIL MEETING
MONDAY, MAY 15, 2017
7:30 PM
2725 MALABAR ROAD, MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:**
- D. APPROVAL OF THE MINUTES:**
- 1. Regular Town Council Meeting Minutes 5/1/17**
- Exhibit:** Agenda Report No. 1
- Recommendation:** Request Approval
- E. ATTORNEY REPORT:**
- F. PRESENTATION: Trails and Greenways Committee:**
- G. STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF**
- H. 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) Three (3) Minute Limit per Speaker.
- I. PUBLIC HEARINGS/SPECIAL ORDERS: 2**
- 2. Second Reading of Ord 2017-02 – Medical Marijuana Treatment Centers
Medical Marijuana Regulations Ord 2017-02**
- AN ORDINANCE OF THE TOWN OF MALABAR RELATING TO ZONING AND LAND USE; AMENDING ARTICLE III DISTRICT PROVISIONS OF THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING TABLE 1-3.2; PROVIDING FOR MEDICAL MARIJUANA TREATMENT CENTERS IN THE COMMERCIAL ACTIVITIES PORTION OF SAID TABLE; PROVIDING MEDICAL MARIJUANA TREATMENT CENTERS AS A CONDITIONAL USE IN THE COMMERCIAL LIMITED ZONING CATEGORY; AMENDING ARTICLE VI OF THE LAND DEVELOPMENT CODE OF THE TOWN; CREATING A NEW SUBSECTION D, "ADDITIONAL CONDITIONAL USE CRITERIA FOR MEDICAL MARIJUANA TREATMENT CENTER" TO SECTION 1-6.1; SETTING FORTH ADDITIONAL REQUIREMENTS AND CRITERIA FOR MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING TABLE 1-6.1 (B) CONDITIONAL LAND USE REQUIREMENTS; PROVIDING FOR MEDICAL MARIJUANA TREATMENT AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO CHAPTER SEVEN, SECTION 7.5, ELECTIONS, OF THE CODE OF ORDINANCES; PROVIDING FOR THE NOVEMBER 8, 2016 ELECTION RESULTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- Exhibit:** Agenda Report No. 2
- Recommendation:** Request Adoption of Ord 2017-02
- 3. Eliminating Citation Process Ord 2017-05**
- AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE REPEAL OF SECTIONS 2-208 THROUGH 2-210 OF DIVISION 2 OF ARTICLE VII OF CHAPTER 2; PROVIDING FOR REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- Exhibit:** Agenda Report No. 3
- Recommendation:** Request Adoption of Ord 2017-05

**J. UNFINISHED BUSINESS/GENERAL ORDERS
ORDINANCES FOR FIRST READING: 0
RESOLUTIONS:**

**4. Supporting a New Conceptual Trail Layout for Trails and Greenways Reso
13-2017)**

A RESOLUTION OF THE TOWN OF MALABAR REQUESTING THAT THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ACCEPT THE CONCEPTUAL TWIN LAKES TRAIL ALIGNMENT, TRANSMIT THE TWIN LAKES ALIGNMENT TO THE SPACE COAST TRANSPORTATION PLANNING ORGANIZATION AND INCORPORATE THE TRAIL ALIGNMENT INTO THE JORDAN SCRUB SANCTUARY MANAGEMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE

Exhibit: Agenda Report No. 4
Recommendation: Request Adoption of Reso 13-2017

MISCELLANEOUS: 1

5. Formal Approval of the Updates to the FLUM

Exhibit: Agenda Report No. 5
Recommendation: Request Approval for Staff to Proceed with Public Hearing and Notices

COUNCIL CHAIR MAY EXCUSE ATTORNEY NOW

K. DISCUSSION/POSSIBLE ACTION:

L. PUBLIC COMMENTS: General Items (Speaker Card Required)

M. REPORTS – MAYOR AND COUNCIL MEMBERS

N. ANNOUNCEMENTS:

(1) Vacancy on the Board of Adjustment; (2) Vacancies on the Park and Recreation Board; (1) vacancy on Trails and Greenways.

O. 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.

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 1
Meeting Date: May 15, 2017

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 5/1/2017

It was determined during the last year that the minutes should be a brief summary of what occurred in the meeting. This was confirmed again at the November 21, 2016 meeting. For specific details, audio of the meetings are available.

ATTACHMENTS:

Draft Minutes of the 05/1/2017 meeting

ACTION OPTIONS:

The Town Clerk requests approval of the minutes.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

May 1, 2017

7:30 PM

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

A. CALL TO ORDER:

Chair, Mayor Patrick T. Reilly called the meeting to order at 7:30 pm. CM Ball led the prayer and pledge.

B. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

GRANT BALL

LAURA MAHONEY

DICK KORN

RICHARD KOHLER

TOWN ADMINISTRATOR:

DOUGLAS HOYT

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

For the record, Fire Chief Leonard Thomassen is also in attendance.

C. **APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** Mayor wanted to add as discussion an item to have WS for capital improvements projects for 5/22/16. no objections.

D.

E. **APPROVAL OF THE MINUTES:**

1. **Regular Town Council Meeting Minutes 4/17/17**

Workshop Meeting Minutes 4/24/17

Exhibit: Agenda Report No. 1

Recommendation: Request Approval

MOTION: CM Rivet / CM Kohler to approve RTCM minutes of 4/17/17.

Discussion: none. Vote: All Ayes.

MOTION: CM Ball / CM Kohler to approve WS minutes of 4/24/2017.

Discussion: none. Vote: All Ayes.

F. **BCSO REPORT:** None

G. **ATTORNEY REPORT:** None

H. **BOARD/COMMITTEE REPORTS:**

Trails and Greenways Committee: Drew Thompson, Chair, Murray Hann, Vice-Chair reported a Rapid Report with a request for a full Presentation at the next Council Meeting along with action on a Resolution proposed by the special Event worked out what they can do for connectivity.

Planning and Zoning Board, None

Park and Recreation Board, Chair Hans Kemmler gave brief overview of P&R Bd Activities.

I. **STAFF REPORTS: ADMINISTRATOR: CLERK: FIRE CHIEF**

• **ADMINISTRATOR:**

Several items to update Council: Illegal parking of motor home; D&D Ranch work in progress; Repairs to Briar Creek ROW at south end near Malabar Road necessary to provide access to emergency. Repaired with material in stock since 2007. These improvements will provide better control over outflow. If we do the Eva Lane project it's estimated cost is 1.8mil, not 4mil. They are going out for 100% funding. The project will drain 535 acres and is a Proof of Concept for other projects. Project done by end of week.

CM Korn asked about the drainage projects.

TA said majority of ½ cent sales tax.

Bold and gold – septic system example. Ferrate solution from FIT. Put in sensor to treat the water per demand.

Coagulate the sediments in the water. Flash board risers. Pond would be dredged every 5-7 years. CM Korn said the benefit is the water going into IRL will be cleaner. The other control area will be the pond in Weber Woods.

Are they giving a proper proportion of effort to get the water out of the town? St Johns says you have 72 hours. CM Rivet, one treatment area, proof of concept.

It will also be good publicity for the Town of Malabar.

The dredged material looks like black tar.

CM Mahoney stated there are a lot of homes on well and septic. Their water is clean. Feels Malabar should be diverting the water, not cleaning it. Samples taken 14 months ago showed higher levels. CM Rivet is the answer is stop dumping pollutants into IRL.

CM Kohler, who bears cost to maintain if grant money is awarded for project. TA said maintenance is minimal – it is skid mounted – cost of chemicals and maintenance – cost of chemicals \$30-\$50.

CM Ball – is there an ongoing study of these pollutants that they are trying to get rid of. Check with IRL folks – I believe those studies are ongoing.

Boy Scouts – found no evidence that Council approved storage on Town property. Propose we do have clear area behind town hall – it could be fenced – with council approval and set aside for BS – no conflict with PW; no conflict with FD. Should have a contract. And insurance. TA question – if Troop council then contract for 1 per year. Put on for agenda item for 5/15/17. If scouts tell him how much space, they need.

- **CLERK:** The SCTPO will recognize the Malabar T&G Committee at their meeting on May 11, 2017 for the Bicycle/Pedestrian Safety Award for "Get on a Trail" beginning at 9AM. Encourage all that can to attend.
- **FIRE CHIEF:** April report (copied to Council) reapplying for gear and fire hose with VFA grant.

Brush 299 is the brandy hall truck. Hydrant testing. Grant for SCBA got denied. CM Rivet asked if there was feedback. Will try again. Doesn't open again until next January.

Also, want to invite council to FD on May 13, and show how hard they train. POST FOR PUBLIC MEETING. CM Korn will not be in Florida then. 30% of buildable land in Malabar is owned by EELs. Ask for voluntary donation or otherwise bill them. Chief said we are under mandatory burn ban. They are recording info on 214 for possible reimbursement. Chief thinks it is up to Council to decide how to handle costs. CM Ball asked if it works both way. CM Korn doesn't want to further alienate the relationship.

- I. **PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) Three (3) Minute Limit per Speaker.

Speaker's Card:

Scott McClachen, 1805 Corey Road, condition of the Malabar Community Park soccer field. Field hadn't been treated since 2015. They have people that will donate materials and labor but want a commitment that maintenance will be continued. In talking to TA is to

get a commitment from town that the field will be treated. Malabar soccer season is over in two weeks.

CM Korn is the commitment to vendor that didn't do the work. It wasn't done. Commit to take care of field.

Terry Rock, 1015 Atz Road, has been fighting this for two weeks. Malabar Soccer is moving to Valkaria. Prove me wrong. If the town didn't cancel the contract. They were ready to shame Massey. Had the town cancel. They can fix it, but to play in fall, it needs to be maintained. Not fair to waste the volunteer resources, get the answer from council. CM Korn stated the Council understands the frustration. TA went over the checklist:

- 1 commit for the next 12 months – by vendor
- 2 welcome donation of tilling and seeding
- 3 irrigation layout –
- 4 town could box blade the field to contour
- 5 water per vendor rec
- 6 continue to mow
- 7 cannot guarantee burrowing
- 8 accept donation
- 9 no assurances re future

CM Korn – he is comfortable with that. There was much discussion that followed. Clerk reminded Council that the council in 1995 committed to maintenance of the Malabar Community Park that was funded 75% by State money from DEP (Florida Recreational Development Assistance Program (FRDAP)). If the Town does not maintain the improvements, the State can require Malabar to pay back the grant money.

Consensus Korn / Rivet so moved that Council approve staff action on maintenance issues related to the condition of soccer field.

J. PUBLIC HEARINGS/ UNFINISHED BUSINESS/GENERAL ORDERS

2. Ordinance 2017-04: Redistricting Malabar Council Districts

Read by title only

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR AMENDMENT TO CHAPTER SEVEN, SECTION 7-2(b), ELECTIONS, OF THE CODE OF ORDINANCES; PROVIDING FOR THE NOVEMBER 8, 2016 ELECTION RESULTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Recommendation: Request Adoption of Ord 2017-04

PH opened: none

PH closed: open to speaker's cards: none

Speaker's Card: none –

Read by title only

MOTION: CM Rivet / CM Kohler to adopt of Ord 2017-04.

Discussion: none

ROLL CALL Vote: 1) CM Ball, Aye; CM Mahoney, Nay; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion Carried 4 to 1.

K. UNFINISHED BUSINESS/GENERAL ORDERS

ORDINANCES FOR FIRST READING: 2

3. Medical Marijuana Regulations Ord 2017-02

AN ORDINANCE OF THE TOWN OF MALABAR RELATING TO ZONING AND LAND USE; AMENDING ARTICLE III DISTRICT PROVISIONS OF THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING TABLE 1-3.2; PROVIDING FOR MEDICAL MARIJUANA TREATMENT CENTERS IN THE COMMERCIAL ACTIVITIES PORTION OF SAID TABLE; PROVIDING MEDICAL MARIJUANA TREATMENT CENTERS AS A CONDITIONAL USE IN THE COMMERCIAL LIMITED ZONING CATEGORY; AMENDING ARTICLE VI OF THE LAND DEVELOPMENT CODE OF THE TOWN; CREATING A NEW SUBSECTION D, "ADDITIONAL CONDITIONAL USE CRITERIA FOR MEDICAL MARIJUANA TREATMENT CENTER" TO SECTION 1-6.1; SETTING FORTH ADDITIONAL REQUIREMENTS AND CRITERIA FOR MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING TABLE 1-6.1 (B) CONDITIONAL LAND USE REQUIREMENTS; PROVIDING FOR MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3

Recommendation: Request Approval of 1st Reading of Ord 2017-02

Speaker's Card: none – read by title only

MOTION: CM Rivet / CM Ball approval 1st Reading of Ord 2017-02.

Discussion: none.

ROLL CALL Vote: CM Ball, Aye; 1)CM Mahoney, Aye; CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion Carried 5 to 0.

4. Eliminating Citation Process Ord 2017-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE REPEAL OF SECTIONS 2-208 THROUGH 2-210 OF DIVISION 2 OF ARTICLE VII OF CHAPTER 2; PROVIDING FOR REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4

Recommendation: Request Approval of Ord 2017-05

Speaker's Card: none – read by title only.

MOTION: CM Kohler / CM Ball to approve 1st Reading of Ord 2017-05.

Discussion: Chair asked Atty to explain. Pay a filing fee. We may want a 250 fine, court can change that to 20 fine. Citation is archaic. Mayor mentioned a typo - the council need"s" – Clerk will correct.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Aye; 1)CM Rivet, Aye; CM Korn, Aye; CM Kohler, Aye. Motion Carried 5 to 0.

RESOLUTIONS: 1

5. **Naming the Shade Structure (Resolution 12-2017)** A RESOLUTION OF THE TOWN OF MALABAR PROVIDING FOR THE ADOPTION OF "CAMERON TRAIL SHELTER" RECENTLY COMPLETED IN THE RICHARD E. CAMERON SR. AND VOLUNTEERS WILDERNESS PRESERVE; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5

Recommendation: Request Approval

Reso read by title only.

Speaker's Card: None.

MOTION: CM Kohler / CM Ball to approve Reso 12-2017.

Discussion: CM Kohler thanked the T&G Committee and voiced his support for the resolution and would request a full presentation at the next meeting.

ROLL CALL Vote: CM Ball, Aye; CM Mahoney, Aye; CM Rivet, Aye; 1)CM Korn, Aye; CM Kohler, Aye. Motion Carried 5 to 0.

MISCELLANEOUS:

L. DISCUSSION / POSSIBLE ACTION:

M. PUBLIC COMMENTS:

N. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Dist 1: none

CM Dist 2: got a lot of calls on SW increase. Good use of community resources. At no expense to the town.

CM Ball said needs data before for at least a year. CM Rivet said proof on evidence. Ground water is what is going. Removing the contaminants when there is a major storm event. When there is no stormwater, there is no treatment. Keep ground water in the ground. It is not a benefit to take ground water.

CM Mahoney, proposing an ordinance with all related costs. Would have it been better to know those costs before the elections. Citizens Advisory to do day to day. What resources we have. Just keep track of resources.

CM Dist. 3: CM Rivet – Citizen Advisory Committee. Encourage to contact council member, attend council meetings. AGO discourages they contact.

Highly encourage all citizens to call and attend council meetings. He is watching next door Malabar and most are ill informed. Some are just trying to stir them up. He implores they contact and express their opinion.

CM Dist 4: Pick up with what CM Rivet said. He tried to reach out and placed three calls, 2nd call was responded with a "how did he get number and why he was calling". He has volunteered to take a map to her house. There is a map already posted on the Malabar website.

The point is that Council needs to be out there and meeting people. Pet thing of MCA at MCP is set for 5/6/17 – he plans to attend. Sunshine prevents them from talking about town business but would like to talk to them socially – that is not a problem.

CM Dist. 5: Get back into the budget process.

O. ANNOUNCEMENTS:

(1) Vacancy on the Board of Adjustment; (2) Vacancies on the Park and Recreation Board; (1) Vacancy on the Trails & Greenways

P. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned by the Chair at 9:30PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

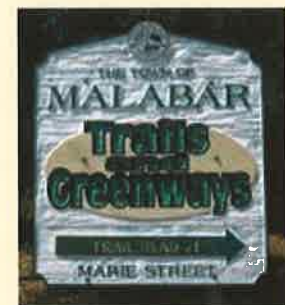
ATTEST:

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

Date Approved: 5/15/2017

Town Council Meeting
**Trails and Greenways Committee Status – Proposed “Twin
Lakes” Trail Alignment**
Monday May 1st, 2017

Malabar T&G Committee Presenters:
Drew Thompson, Chair, T&G
Murray Hann, Chair, BPTAC





The Fifth of the Showcase Trails

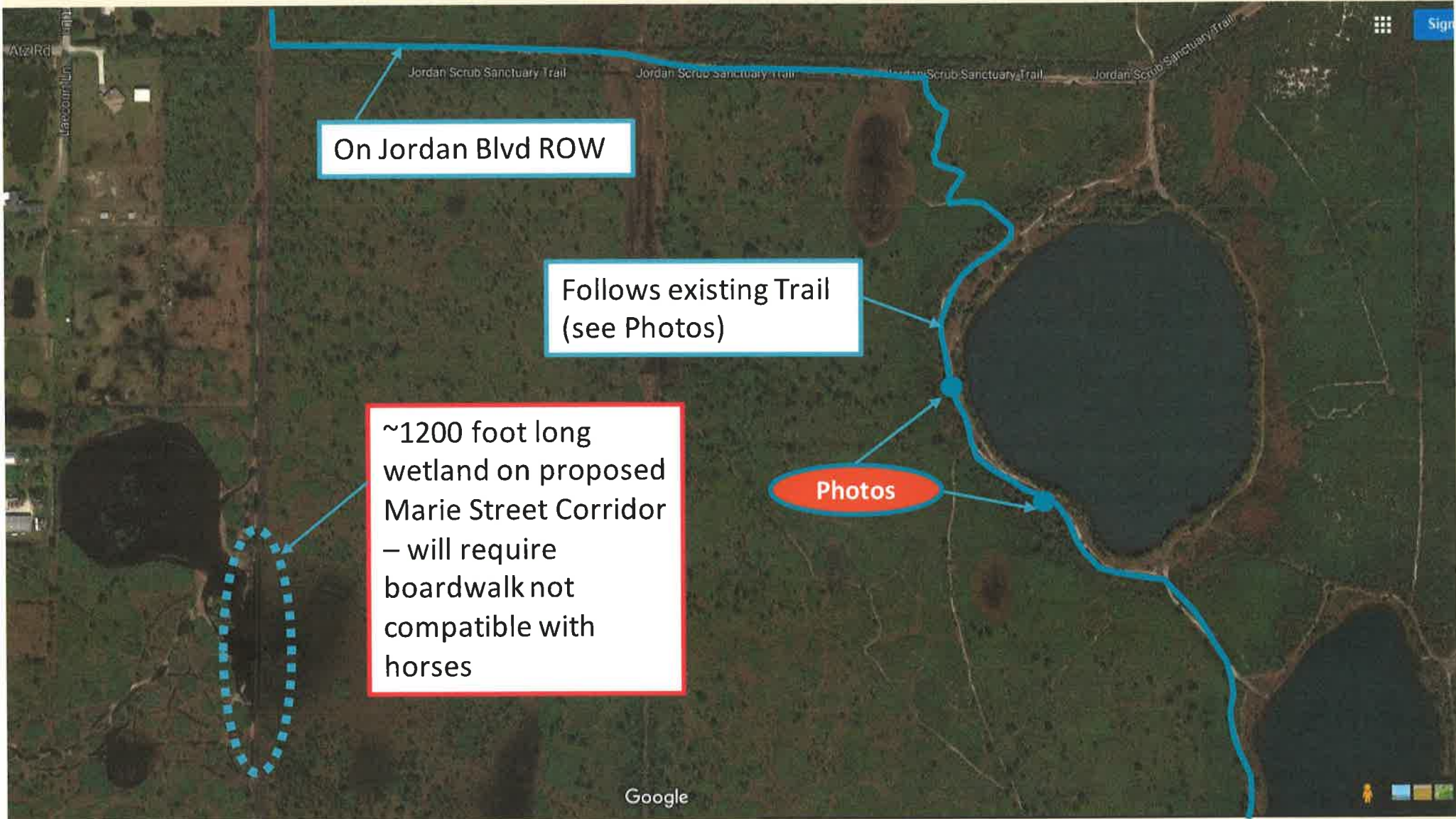
South Brevard Al Tuttle Trail

STATUS: Trail design is currently being conducted from Valkaria Road south to Grant Road.

A natural and paved multi-use trail with amenities for hikers, joggers, bicyclists, roller bladers, equestrians, and the physically challenged. The trail will link the communities of Malabar, Palm Bay, Valkaria, Grant and Micco to existing parks, conservation areas, and community destinations.

Area of interest





On Jordan Blvd ROW

Follows existing Trail
(see Photos)

~1200 foot long
wetland on proposed
Marie Street Corridor
- will require
boardwalk not
compatible with
horses

Photos

Twin Lakes Trail Alignment Summary

- This shows an all public property trail, which will result in a better user experience, and especially serve equestrian riders better – with less environmental impact
 - Please consider the draft resolution for a future meeting – we believe Malabar should establish the Twin lakes Alignment as the preferred alignment moving forward
 - The G-V Greenways and Trails Board has expressed that they wish to take a similar resolution to their Town Council, in Support of Malabar’s Twin Lakes Alignment
 - Moving forward, we would likely be requested to present this Alignment to the EEL Pgm Recreation and Education Advisory Committee (REAC), and then further to the EEL Pgm Selection and Management Committee (SMC)
 - Also, consider appointing someone to brief our County Commissioner (John Tobia), so that he is aware of this matter, as it will come before the BOCC.
-
- Options exist for better connectivity to the South from the S end of Jordan Blvd, but require ROW acquisition via some method – see options that follow

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 2
Meeting Date: May 15, 2017

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

SUBJECT: Medical Marijuana Regulations (Ord 2017-02) – Recommendation from P&Z

BACKGROUND/HISTORY:

The Town Council adopted ordinance 2017-01 on the recommendation of Attorney Karl Bohne. It provided a moratorium period to allow for Malabar sufficient time to develop local regulations on how to deal with the approval of Amendment 2, Medical Marijuana Treatment Facilities.

Attorney Bohne then drafted and forwarded an ordinance to Malabar dealing with these regulations. He had done similar ones for the other municipalities he represents.

This Draft Ordinance (2017-02) was provided to the Malabar Planning and Zoning Board for review. They have spent several meetings discussing these regulations and have provided this recommendation.

Prior actions by the State have already established regulations dealing with the cultivation of medical marijuana. The ordinance before you deals with regulations on Medical Marijuana Treatment Facilities.

FINANCIAL IMPACT:

Unknown at this time.

ATTACHMENTS:

Ord 2017-02

ACTION OPTIONS: Council Adoption of Ord 2017-02

ORDINANCE 2017-02

AN ORDINANCE OF THE TOWN OF MALABAR RELATING TO ZONING AND LAND USE; AMENDING ARTICLE III DISTRICT PROVISIONS OF THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING TABLE 1-3.2; PROVIDING FOR MEDICAL MARIJUANA TREATMENT CENTER IN THE COMMERCIAL ACTIVITIES PORTION OF SAID TABLE; PROVIDING MEDICAL MARIJUANA TREATMENT CENTER AS A CONDITIONAL USE IN THE COMMERCIAL LIMITED ZONING CATEGORY; AMENDING ARTICLE VI OF THE LAND DEVELOPMENT CODE OF THE TOWN; CREATING A NEW SUBSECTION D, "ADDITIONAL CONDITIONAL USE CRITERIA FOR MEDICAL MARIJUANA TREATMENT CENTER" TO SECTION 1-6.1; SETTING FORTH ADDITIONAL REQUIREMENTS AND CRITERIA FOR MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING TABLE 1-6.1 (B) CONDITIONAL LAND USE REQUIREMENTS; PROVIDING FOR MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the Florida Right to Medical Marijuana Initiative was on the November 8, 2016 ballot as Amendment 2 under the title "Use of Marijuana for Certain Medical Conditions," and, it passed and become Section 29 to Article X of the Florida Constitution; and,

WHEREAS, Florida Statute sect. 381.986 as well as passage of Amendment 2 legalized the medical use of marijuana, allows for the creation of medical marijuana treatment centers, and allows for licensed caregivers to dispense medical marijuana; and,

WHEREAS, the Town of Malabar regulates the use of land within the Town of Malabar in accordance with the Future Land Use Map designations in the Comprehensive Plan and the Land Development Regulations; and,

WHEREAS, the Town Council has determined that it is in the best interests of the citizens of the Town to adopt zoning regulating the location of Medical Marijuana Treatment Center; and'

WHEREAS, The Town Council finds that protecting patients, caregivers of patients, physicians, persons lawfully engaged in activities associated the operation of a medical marijuana dispensary, property and the general health, safety and welfare of the Town is of a paramount concern; and

WHEREAS, the Town Council finds that protecting the public from criminal activity and to ensure the highest degree of conduct of owners, patients and business invitees of medical marijuana TREATMENT CENTER will promote the general welfare; and,

WHEREAS, the Town council has determined that it is in the best interest of the public to set siting requirements and other restrictions for medical marijuana TREATMENT CENTER; and,

NOW, THEREFORE, BE IT ORDAINED BY THE Town of Malabar of Brevard County, Florida, as follows:

SECTION 1. Table 1-3.2 is hereby amended to include Medical Marijuana Treatment Centers in the “Commercial Activities” section as a conditional use in “CL” zoning district to read as follows:

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
COMMERCIAL ACTIVITIES														
<u>Medical Marijuana Treatment Centers</u>									C ⁵					

5. See criteria in Article VI, Section 1-6.1 D

SECTION 2. Article VI, Section 1-6.1 is amended by adding a new subsection “D” to read as follows:

...

“D Medical Marijuana Treatment Center. Medical Marijuana Treatment Center, with a minimum 1,500 square foot facility, shall be allowed as a Conditional Use in the Commercial Limited (CL) zoning district. Medical Marijuana Treatment Center shall be defined as any business which has been approved by the State of Florida under chapter 381 of the Florida Statute and/or the Florida Administrative Code and Article X, Section 29 of the Florida Constitution. All activities of Medical Marijuana Treatment Center as authorized by this code shall occur wholly within the structure, or in the case of a multi-unit structure such unit upon which such medical marijuana facility is located. When considering an application for a medical marijuana treatment center, the planning and zoning board and the town council shall consider the criteria below. The town council may impose additional reasonable conditions and safe guards not inconsistent with Section 29 to Article X of the Florida Constitution as deemed necessary.

1. Criteria to be considered concerning an application for a medical marijuana dispensary:

a. *Controlled substance.* The on-site sale, provision, or dispensing of medical marijuana is prohibited except as specifically authorized by applicable federal or state law;

b. *Adequate facilities.* Medical marijuana Treatment Center shall provide adequate seating for its patients and business invitees. The medical marijuana treatment center shall not direct or encourage any patient or business invitee to stand, sit (including in a parked vehicle), or gather or loiter outside of the building where the dispensary is located and operates, including, but not limited to, sidewalks, parking areas, right-of ways, or neighboring properties for any period of time longer than that is reasonably required to arrive and depart. The medical

marijuana treatment center shall post conspicuous "No Loitering" signs on all sides of that portion of a building occupied by the medical marijuana dispensary.

c. *Queuing or stacking of motor vehicles.* The medical marijuana treatment center shall ensure that there is no queuing or stacking of motor vehicles in any right-of-way.

d. *Outside display.* There shall be no outside display of any products, wares or merchandise.

e. *Alcoholic beverages.* There shall be no sale, service or consumption of alcoholic beverages on the premises or in any parking area, sidewalk, or right-of-way.

f. *Separation distance.* A medical marijuana treatment center shall not be located within twenty five hundred (2,500) feet of any pharmacy, school (as defined in section 1002.01 or 1003.01, Florida Statutes), medical office, day care center, day care home, adult living facility or similar type of facility, playground, religious institution, public park, another medical marijuana treatment center, any zoning permitting residential structures, or residential structure. All distance requirements shall be measured by drawing a straight line from the nearest property line of the premises upon which a medical marijuana dispensary is located to the nearest property line of the preexisting protected use.

g. *Hours of operation.* Medical marijuana treatment centers shall only operate between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. through 12:00 p.m. on Saturday. Medical marijuana treatment center shall not operate on Sunday.

h. *Other Activities.* Other than the cultivation, processing and dispensing of medical marijuana permitted herein no medical marijuana treatment center shall sell, market, dispense, provide, exchange, or otherwise vend any other services; product; or drug paraphernalia as defined by federal or state law.

i. *Compliance with other laws.* In addition to the laws and ordinances of the Town of Malabar all medical marijuana treatment centers shall comply with all federal and state laws.

j. *Security Measures.* Each medical marijuana treatment center shall provide the following, at the owner's expense:

i. Drive through facilities are prohibited.

ii. A silent alarm that notifies the Brevard County Sheriff's Office or a private security agency that a break in or robbery is taking place

iii. Full time private armed security personnel from a licensed security firm during all hours the facility personnel are on the premises.

iv. A security camera capable of recording and retrieving an image.

Such security camera system shall be operational at all times during and after business hours. The security cameras shall be located at every ingress and egress site of the facility, including doors and windows, as well as on the interior where any monetary transaction shall occur and shall also be

located at the ingress and egress site where the medical marijuana is grown and/or stored;

v. Install a secure safety enclosure of transparent polycarbonate or other material with an indirect pass through or window to transact business that meets the following standards:

1. American Society for Testing and Materials Standard D3935 (classification PC110 B 3 0800700) and that has a thickness of at least 0.375 inches and has an impact strength of at least 200 foot pounds; or

2. Underwriters Laboratory Standard UL 752 for medium power small arms (level one), Bullet Resisting Equipment;

vi. A drop safe or cash management device that provides minimum access to the facility's cash receipts

vii. A lighted parking lot illuminated at an intensity of at least 2 foot-candles per square foot at 18 inches above the surface.

viii. Window signage must allow clear and unobstructed view from the outside of the building and in normal line of sight of the cash register and sales transaction area.

ix. The facility shall not have window tinting that reduces exterior or interior view in a normal line of sight.

x. Height markers at the entrance and exit of the facility that displays height measures.

k. *Fire Suppression.* The facility shall have installed, at the owners expense, a fire sprinkler system designed by a licensed fire suppression firm registered in the State of Florida, approved by the Fire Marshall, permitted by the Town Building Department, and installed by a licensed fire sprinkler system installer.

l. *Parking.* The facility shall provide 1 parking spaces per 200 square feet of gross floor area. In additional, any parking spaces designated for or used by a medical marijuana treatment center shall meet the requirements of subsection 1.f, above.

m. *Public Use or Consumption Prohibited.* The use, ingestion, consumption or smoking of medical marijuana or non-medical marijuana on any public property or property open to the public is prohibited. The term "public property or property open to the public" means, but is not limited to, any property owned, or controlled by any governmental body, including streets, right-of-ways, easements, parks, recreation area, any quasi-public area including stores, parking lots, malls, business establishments, shopping centers, private recreation area, common property of any community association; and any other area which is visible from any public property or property open to the public, except a private residence.

Any medical marijuana treatment center must, at all times when such establishment is open to the public or is selling marijuana or marijuana-based products, have a sign on the premises located where it can be readily seen and read by all customers of the marijuana dispensary which is at least six by eight and one-half inches (6" × 8½") in size and with seven-sixteenth inch minimum lettering and contains the following information:

"IT IS UNLAWFUL TO SMOKE, INGEST, OR CONSUME MARIJUANA INSIDE, OR IN THE PARKING LOT, OF THIS ESTABLISHMENT. MALABAR TOWN CODE SEC. 1-6.1 D. 1.m.

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

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

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

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

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

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

c. Cultivation shall not take place in any area of the medical marijuana facility which is accessible by the general public. Such areas of cultivation must be restricted to authorized personnel, eighteen years of age or older, of the medical marijuana facility. Such area of cultivation shall be secured and locked at all times when not occupied by authorized personnel of the medical marijuana facility.

d. Such area of cultivation must have a ventilation system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with all applicable building code regulations, including obtaining all required permits and approvals. The ventilation system must be approved by a Florida Licensed Engineer and a Florida Licensed Heating and Ventilation Contractor at the applicant's expense, and installed prior to commencing cultivation within the fully-enclosed and secure structure.

3. Savings clause. In the event that any part of this section shall be preempted by federal or state law those provisions preempted shall be deemed to be invalid and the remaining provisions not preempted shall remain in full force and effect. "

SECTION 3. Table 1-6.1 (B) is amended by adding Medical Marijuana Treatment Centers to read as follows:

"Conditional Land Uses	Minimum Size Site	Minimum Width/Depth (feet)	Access Required to Street	Building Setback from Residential District/Nonresidential District (feet)	Parking Lot Setbacks from Adjacent Residential District/Nonresidential District (feet)	Perimeter Screening Residential District/Nonresidential District	Curb Cut Controls
<u>Medical Marijuana Treatment Centers</u>	<u>N/A</u>	<u>N/A</u>	<u>Paved; Locations only permitted on U.S. Highway 1 and Babcock Street</u>	<u>(11)</u>	<u>(11)</u>	Type A, only if the facility is located in a single building and not part of a multi-unit or building structure	<u>(7)</u>

(11) Reference to Town of Malabar Land Development Code Section 1-6.1 D."

SECTION 4. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 6. Inclusion in Code. It is the intention of the Town Council of Malabar that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. Effective Date. This ordinance shall take effect upon adoption.

SECTION 8. The foregoing Ordinance was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

- Council Member Grant Ball _____
- Council Member Laura Mahoney _____
- Council Member Steve Rivet _____
- Council Member Dick Korn _____
- Council Member Richard Kohler _____

This Ordinance will be declared to be duly adopted seven days after the regular meeting of the Town of Malabar Town Council on May 15, 2017.

Ord 1st Reading: 5/01/17
Ord 2nd Reading 5/15/17
Veto Period: 5/16/2017 thru 5/22/2017
Final Adoption: 5/22/2017

TOWN OF MALABAR

By: _____
Mayor Patrick T. Reilly, Council Chair

APPROVED AS TO FORM AND CONTENT

Karl W. Bohne, Jr. Town Attorney

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer
(seal)

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 3
Meeting Date: May 15, 2017

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

SUBJECT: Amend Chapter 2 of Code Eliminating Citation Process (Ord 2017-05)

BACKGROUND/HISTORY:

The Town Council adopted Ordinance 2000-05 in June of 2000. It provided for the Special Magistrate method of Code Enforcement.

Prior to that we were using the citation method that created additional costs for the Town and resulted in mostly dismissed cases and non-compliance. The Attorney will speak in more detail about the shortcomings of this method.

A recent code enforcement incident caused us to look at this section of the Code and we saw the conflict with still having the language related to citations in the Code. To eliminate the confusion, we are asking Council to adopt the attached ordinance that will eliminate the citation language from the Code.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

Ord 2017-05

ACTION OPTIONS: Council Adoption of Ord 2017-05

ORDINANCE 2017-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE REPEAL OF SECTIONS 2-208 THROUGH 2-210 OF DIVISION 2 OF ARTICLE VII OF CHAPTER 2; PROVIDING FOR REPEAL OF ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Malabar adopted Ordinance 2000-5 providing for Special Magistrate procedures in dealing with Code violations; and

WHEREAS, The Town Council has determined it no longer need to keep the Citation process in the Code.

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

Section 1. Findings. The above statements are correct.

Section 2. Sections 2-208 through 2-210 of Division 2 of Article VII of Chapter 2 ~~The following sections of Chapter 2 are repealed in their entirety as follows:~~

~~"Sec 2-208 Authority to issue citations. Any law enforcement officer or code enforcement officer is hereby empowered to issue citations to a person when based upon personal investigation, the officer has probable cause to believe that the person has committed a civil infraction on violation of a duly enacted town code or ordinance.~~

~~Sec 2-209. Ordinances enforced and penalties assessed.~~

~~All town codes and ordinances may be enforced by this section, by citation to the appropriate County Court of Brevard County, except where prohibited by law or Statute. Violations of a code or ordinance of the town is a civil infraction. Initial violation of codes and ordinances shall carry a fine as specified by Attachment "A" which is incorporated in this section. Repeat violations shall carry a fine equal to twice the fine as scheduled in Attachment "A" of this section. The fine imposed pursuant to this section may be amended by resolution of the town council as deemed necessary. However, in no event shall the violator be fined the maximum civil penalty if citation is not contested.~~

~~-Sec 2-210. Violation; procedures.~~

~~(a) A code enforcement officer or law enforcement officer is authorized to issue a citation to a person when, based upon, personal investigation, the officer has probable cause to believe that the person committed a civil infraction in violation of a duly enacted of the town. However, prior to issuing a citation, a code enforcement officer shall provide notice in writing to the person that the person has committed a~~

~~violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation.~~

~~(b) A code enforcement officer or law enforcement officer shall issue a citation in a form prescribed by the town and it shall contain:~~

~~(1) The date and time of issuance.~~

~~(2) The name and address of the person to whom the citation is issued.~~

~~(3) The date and time the civil infraction was committed.~~

~~(4) The facts constituting probable cause.~~

~~(5) The number or section of the code or ordinance violated.~~

~~(6) The name and authority of the code enforcement officer, or law enforcement officer.~~

~~(7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.~~

~~(8) The applicable civil penalty if the person elects to contest the citation.~~

~~(9) The applicable civil penalty if the person elects not to contest the citation.~~

~~(10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citations, he shall be deemed to have waived his right to contest the citations, and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.~~

~~(c) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.~~

~~(d) The maximum civil penalty shall not exceed five hundred dollars (\$500.00).~~

~~(e) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.~~

~~f. Any person who fails to pay the civil penalty stated on the citation within the prescribed period, or who fails to request a hearing within the prescribed period, shall be issued a summons to appear in court by the clerk of court and in and for Brevard County, Florida. Said summons shall be served upon the violator by the clerk of the county court with a copy sent to town. If said summons is issued, both the town and the violator shall be present at the time and date specified within the summons for the purpose of answering the violation set forth within the citation.~~

Section 3. Codification.

It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, that Sections 2-208 through 2-210 be removed from the Code of Ordinances of the Town of Malabar, Florida

Section 4. Severability.

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance 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 ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

Section 5. Conflicts.

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

Section 6. Effective Date.

This ordinance shall take effect immediately upon its adoption.

This resolution was moved for adoption by Council Member _____, This motion was seconded by Council Member _____, and being put to a vote, the vote was as follows:

- Council Member Dist 1 Grant Ball _____
- Council Member Dist 2 Laura Mahoney _____
- Council Member Dist 3 Steve Rivet _____
- Council Member Dist 4 Dick Korn _____
- Council Member Dist 5 Richard Kohler _____

This Ordinance will be declared to be duly adopted seven days after the regular meeting of the Town of Malabar Town Council on May 15th, 2017.

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

1st Reading: 5/1/17

2nd Reading: 5/15/17

(seal)

ATTEST:

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

Approved as to Legal Sufficiency:

Karl W. Bohne, Jr., Town Attorney

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 4
Meeting Date: May 15, 2017

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

**SUBJECT: Resolution 13-2017 Seeking Support from County Commission on Twin Lakes
Trail within Jordan Scrub Sanctuary**

BACKGROUND/HISTORY:

The Trails and Greenways Committee gave a brief update at the May 1, 2017 Council meeting and would like to do a full blown presentation at this meeting. Afterwards, they are seeking Council support in adopting this Resolution to be presented to the Brevard County Commission.

FINANCIAL IMPACT: Unknown

ATTACHMENTS:

- Resolution 13-2017

ACTION OPTIONS: Council adoption of Resolution 13-2017

Resolution 13-2017

A RESOLUTION OF THE TOWN OF MALABAR REQUESTING THAT THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS ACCEPT THE CONCEPTUAL TWIN LAKES TRAIL ALIGNMENT, TRANSMIT THE TWIN LAKES ALIGNMENT TO THE SPACE COAST TRANSPORTATION PLANNING ORGANIZATION AND INCORPORATE THE TRAIL ALIGNMENT INTO THE JORDAN SCRUB SANCTUARY MANAGEMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE

Whereas, the Town of Malabar is a rural community, residing within Brevard County, Florida, and

Whereas the Space Coast Transportation Planning Organization has identified and conceptualized several showcase trails in Brevard County, including the Al Tuttle Trail in South Brevard County; and

Whereas, the northernmost segment of the Al Tuttle Trail is constructed between Malabar Road and Port Malabar Boulevard in the Town of Malabar and the City of Palm Bay, respectively, and

Whereas, the Town of Malabar is developing a trails and greenways plan between Malabar Road and the Town of Grant-Valkaria that is consistent with and part of the Space Coast Transportation Planning Organization's Al Tuttle Trail, and

Whereas, the Town of Malabar is coordinating with the Town of Grant-Valkaria which is also planning trails and greenways within its jurisdiction that will extend the Al Tuttle Trail from the Town of Malabar to Valkaria Road; and

Whereas, the Town of Malabar has determined a conceptual alignment (indicated in Exhibit A as the Twin Lakes Trail) for the segment of the Al Tuttle Trail within the Town of Malabar; and

Whereas, a segment of the conceptual alignment traverses through the Jordan Scrub Sanctuary as a natural surface trail, utilizing existing trails and firebreaks, thereby minimizing any environmental impacts, and

Whereas, the segment of the conceptual alignment through the Jordan Scrub Sanctuary is consistent with the Sanctuary Management Plan which acknowledges hiking, biking and equestrian use on non-hardened surface trails; and

Whereas, the Twin Lakes Trail conceptual alignment provides an excellent trail user experience while providing enhanced public access to the Jordan Scrub Sanctuary; and

Whereas, the final alignment will be determined following extensive environmental review of this and other viable alternatives prior to approval.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, FLORIDA, THAT:

SECTION 1. Findings:

The Whereas statements are true and correct.

SECTION 2. The Town Council of Malabar directs the Town Clerk to forward copies of this adopted resolution to each municipality within Brevard County in addition to the Brevard County Commission and the Environmentally Endangered Lands Program.

SECTION 3. The Town Council of Malabar requests that the Board of County Commissioners accept the Town of Malabar's proposed conceptual alignment of the Twin Lakes Trail, transmit the conceptual alignment to the Space Coast Transportation Planning Organization and direct the Environmentally Endangered Lands program to incorporate this alignment into their planning documents and management plans.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

This resolution was moved for adoption by Council Member _____. This motion was seconded by Council Member _____, and being put to a vote, the vote was as follows:

- Council Member Grant Ball _____
- Council Member Laura Mahoney _____
- Council Member Steve Rivet _____
- Council Member Dick Korn _____
- Council Member Richard Kohler _____

This Resolution was declared to be duly adopted at a regular meeting of the Town of Malabar Town Council on the 15th day of May, 2017.

TOWN OF MALABAR

(seal)

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Approved as to Legal Sufficiency:

Karl W. Bohne, Jr., Town Attorney

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 5
Meeting Date: May 15, 2017

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

SUBJECT: Approval of Final Draft of Future Land Use Maps

BACKGROUND/HISTORY:

Attached are the latest maps that resulted after the last workshop held on April 24, 2017. If Council formally approves these map changes, staff will proceed with the notifications to property owners and the scheduling of Public Hearings.

As the Mayor stated at the meeting, it is important that Council understands these changes thoroughly so they can respond correctly when asked by residents how this will affect the Town.

ATTACHMENTS:

Updated "Current" and "Proposed" Future Land Use Designations.

ACTION OPTIONS:

Staff requests action.

TOWN OF MALABAR PROPOSED FUTURE LAND USE CHANGES

PRESENTED BY THE MALABAR TOWN COUNCIL

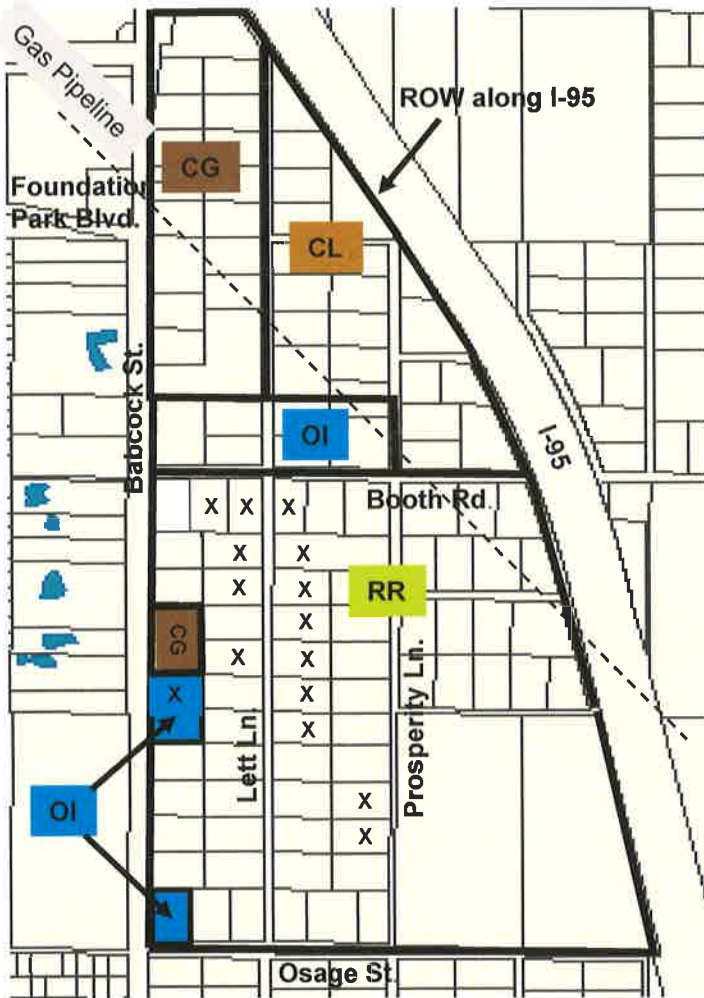
May 15, 2017

Present Land Use Designations

- Residential/Limited Commercial (R/LC)
- High Density Residential (HDR)
- Medium Density Residential (MDR)
- Low Density Residential (LDR)
- Rural Residential (RR)
- Commercial General (CG)
- Commercial Limited (CL)
- Industrial (IND)
- Office Institutional (OI)
- Institutional (INS)
- Open Space and Recreation (OSR)
- Multiple-family Residential or Office Space (MRO)
- Conservation (CON)
- Recreational Services (RS)
- PUD (Residential or Commercial)
- Coastal Preserve (CP)

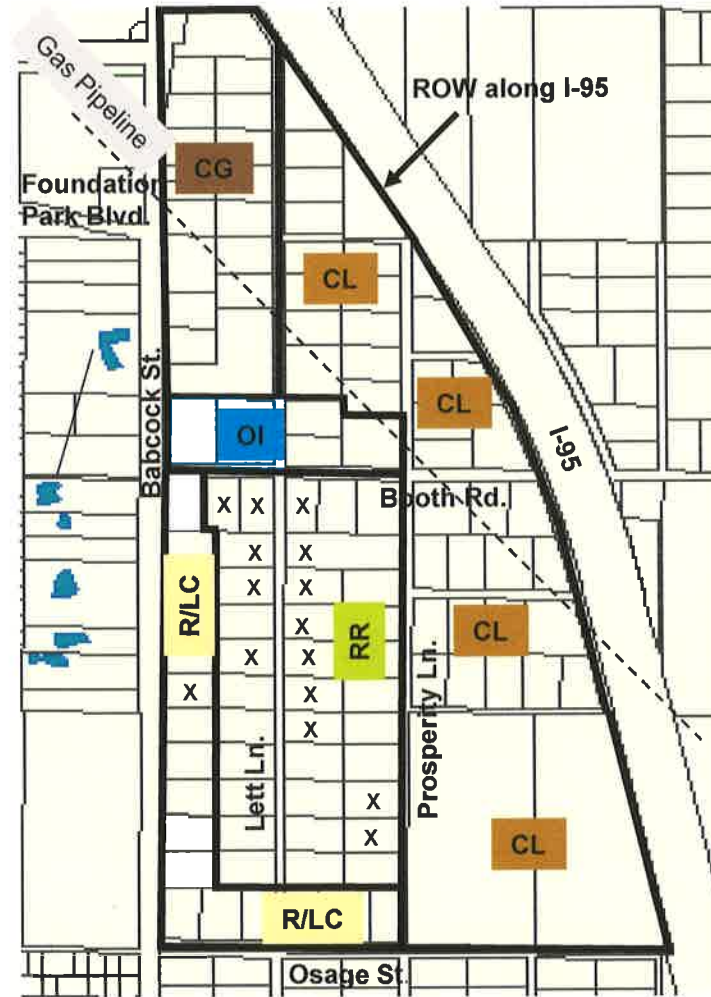
Land Use Along Babcock Street

Present Land Use



X = Homes

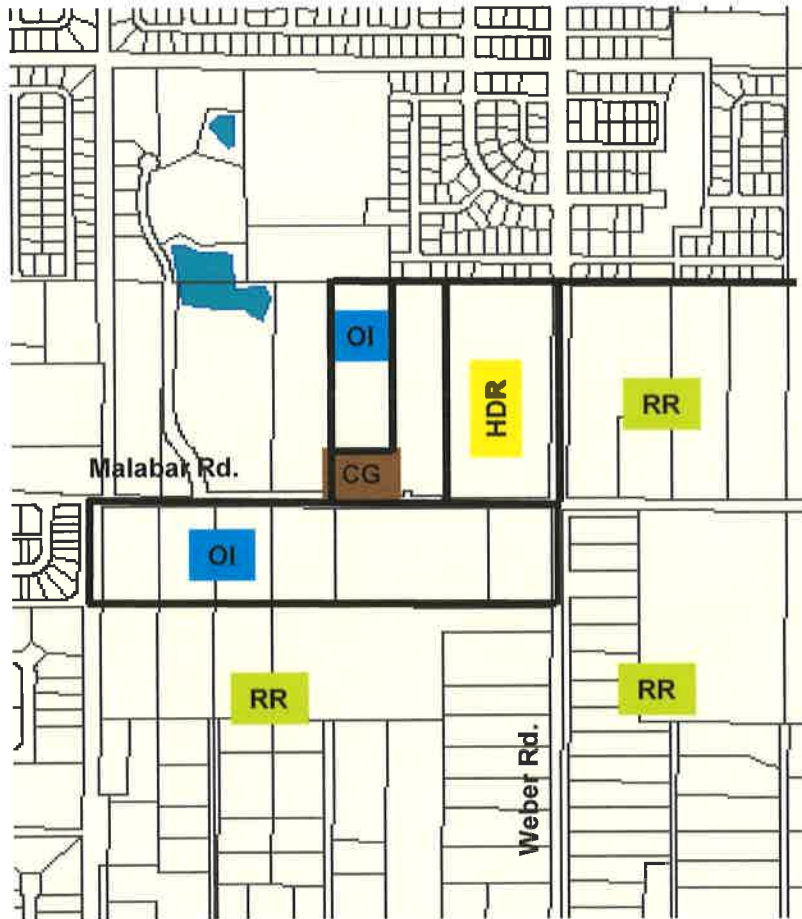
Proposed Land Use



May 15, 2017

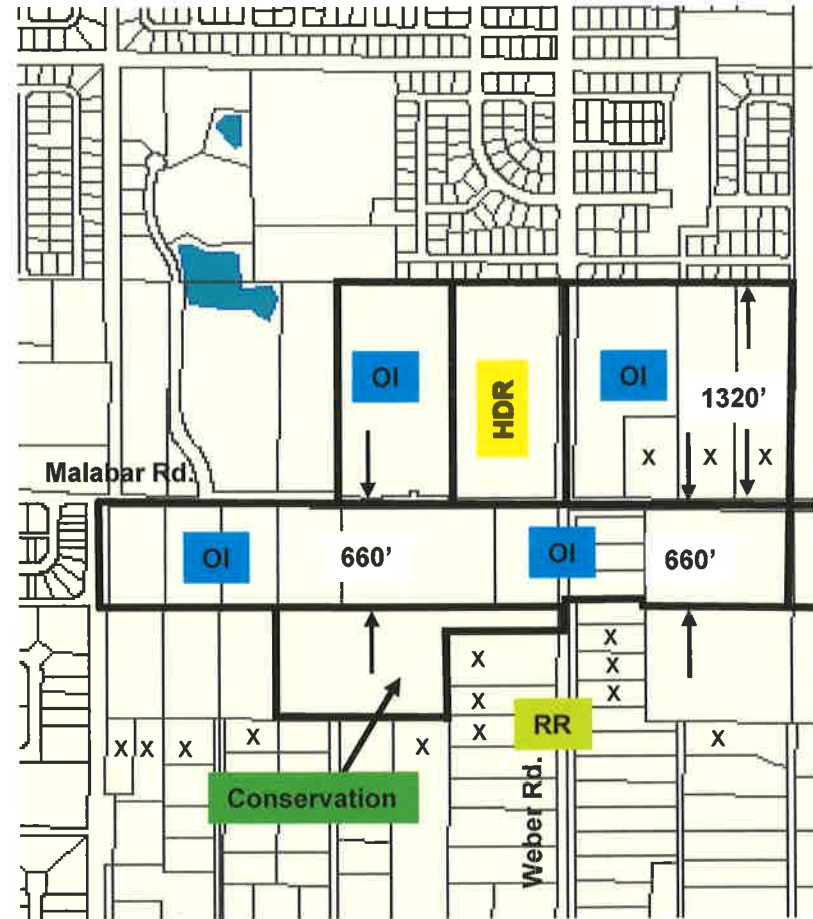
Land Use Along Malabar Rd. (West end)

Present Land Use



X = Homes

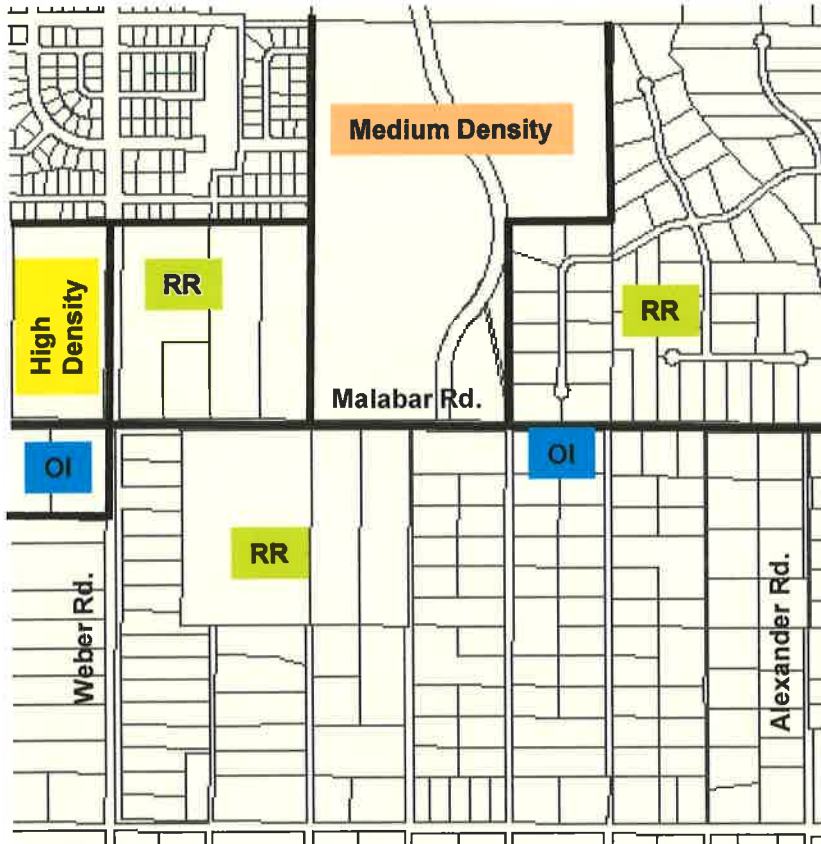
Proposed Land Use



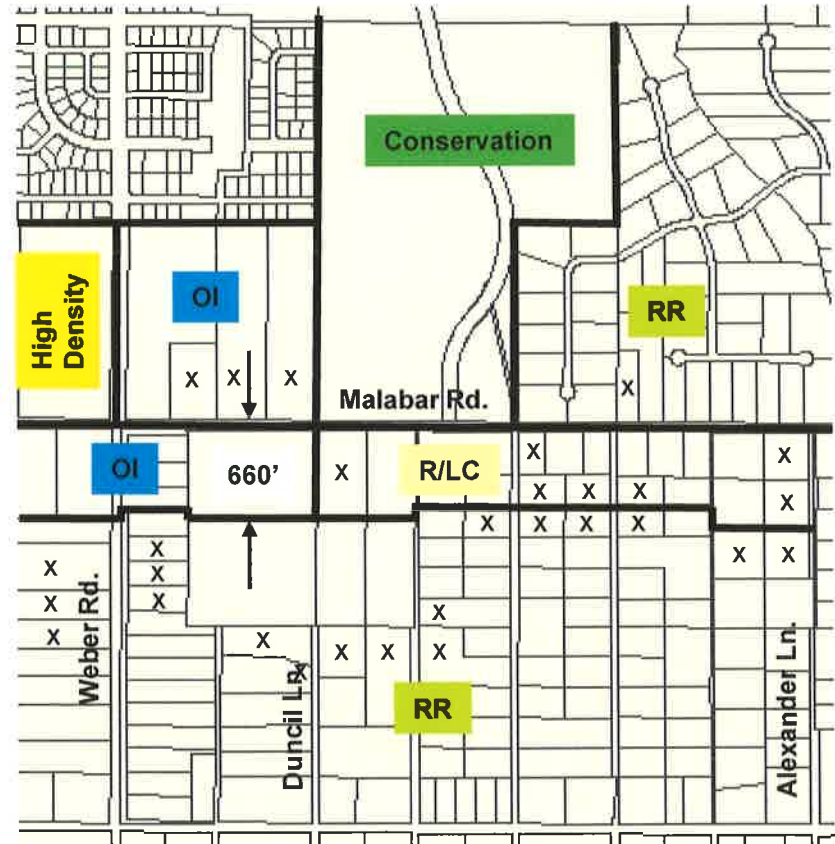
May 15, 2017

Land Use Along Malabar Rd. (Weber Rd. to Alexander Ln.)

Present Land Use



Proposed Land Use



X = Homes

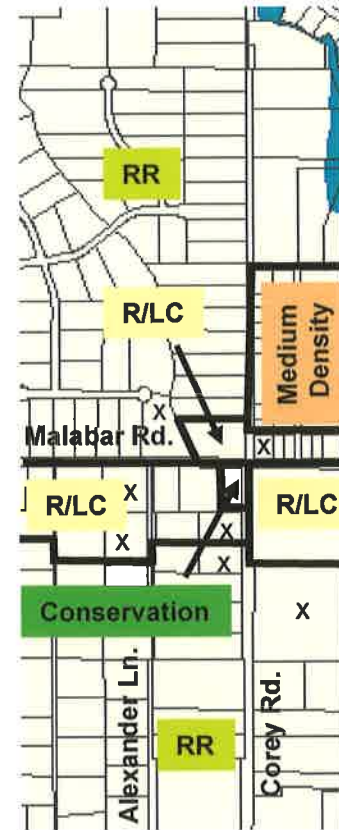
May 15, 2017

Land Use Along Malabar Rd. (Alexander Ln. to Corey Rd.)

Present Land Use



Proposed Land Use



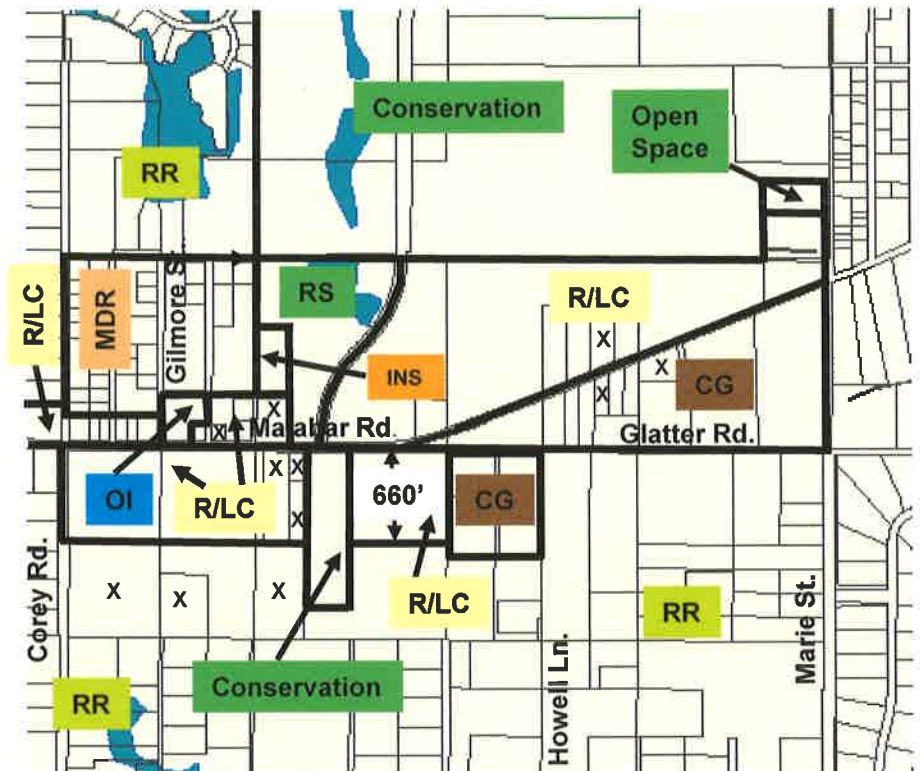
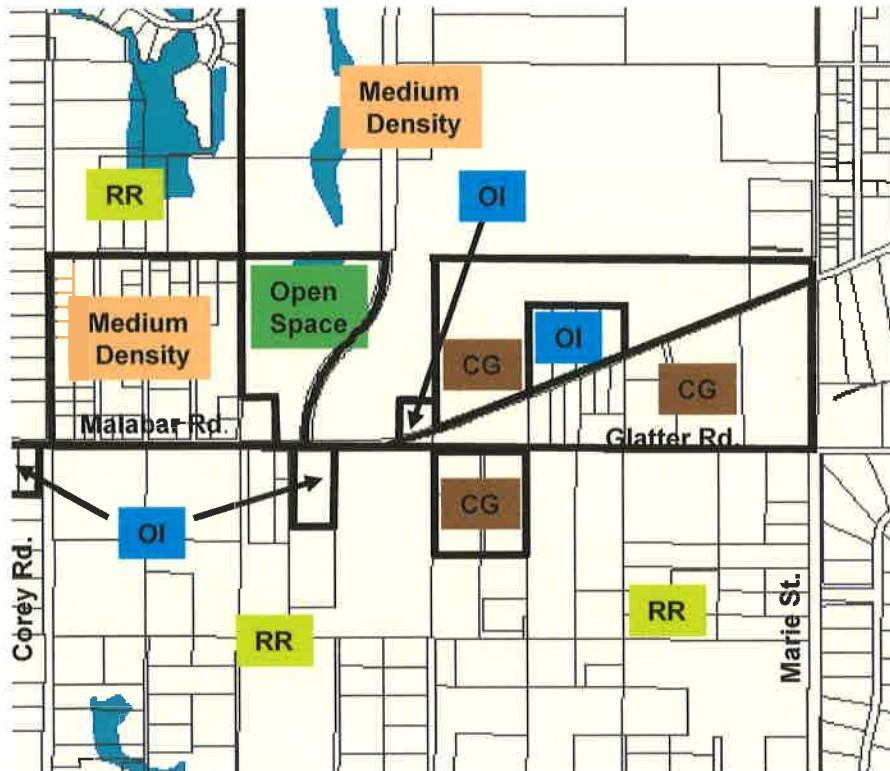
X = Homes

May 15, 2017

Land Use Along Malabar Rd. (Corey Rd. to Marie St.)

Present Land Use

Proposed Land Use

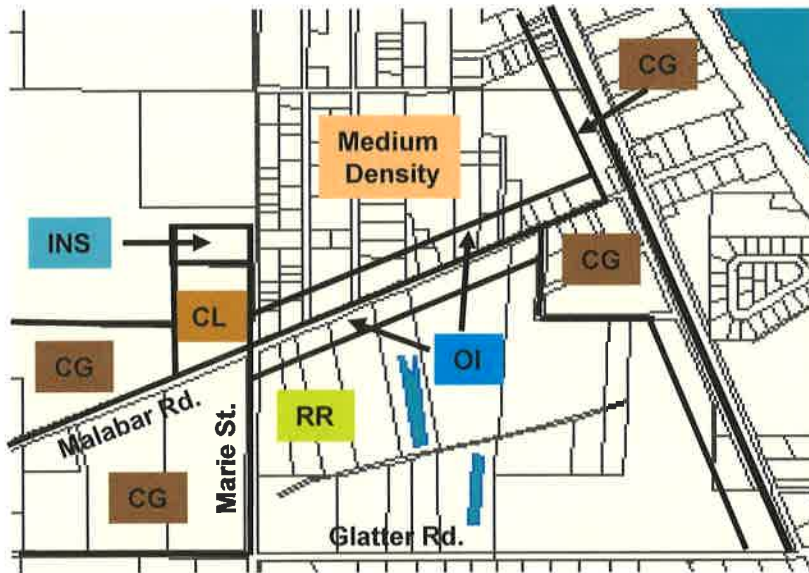


X = Homes

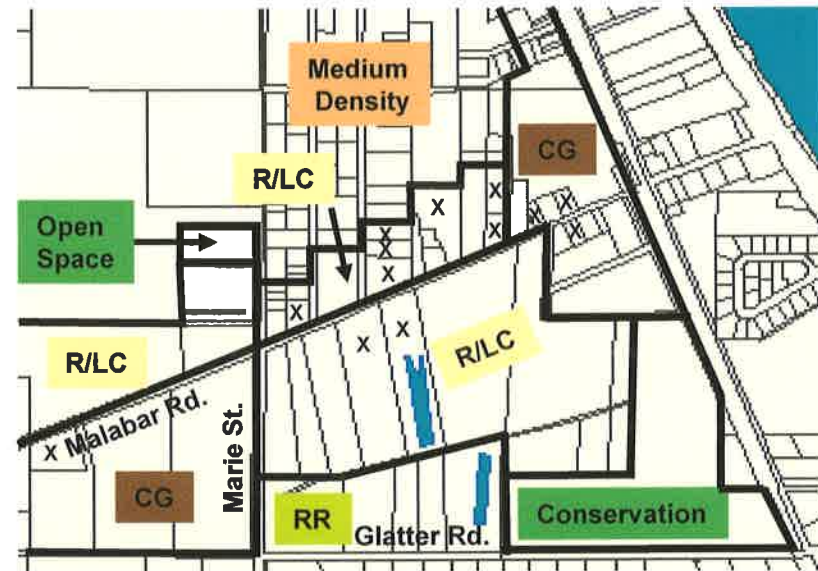
May 15, 2017

Land Use Along Malabar Rd. (Marie St. to RR Tracks)

Present Land Use



Proposed Land Use



X = Homes

May 15, 2017

Land Use Along US-1 (North end of Malabar)

Present Land Use

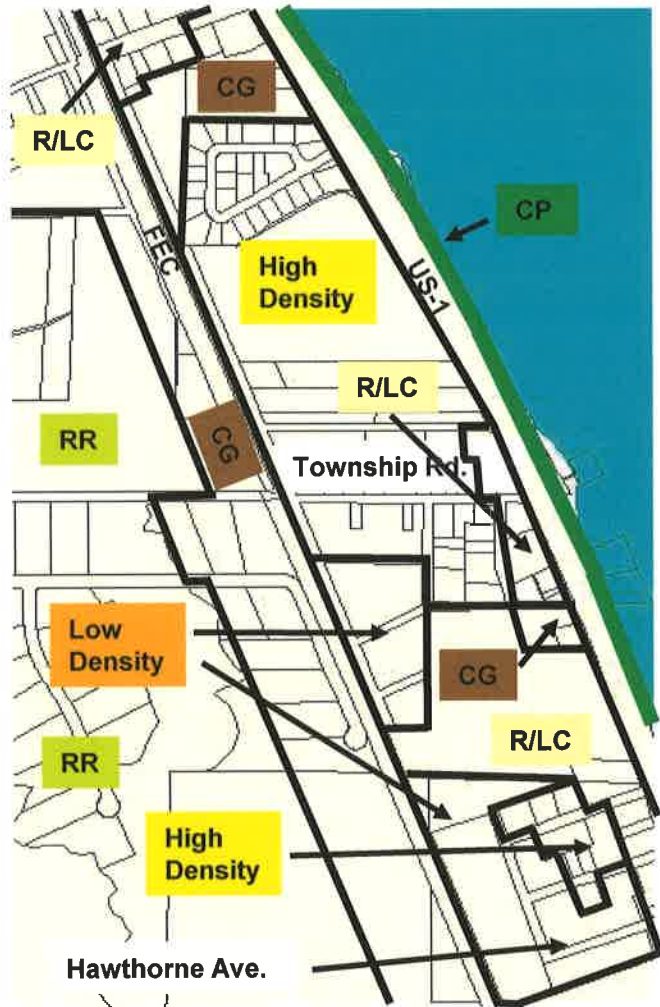


Proposed Land Use

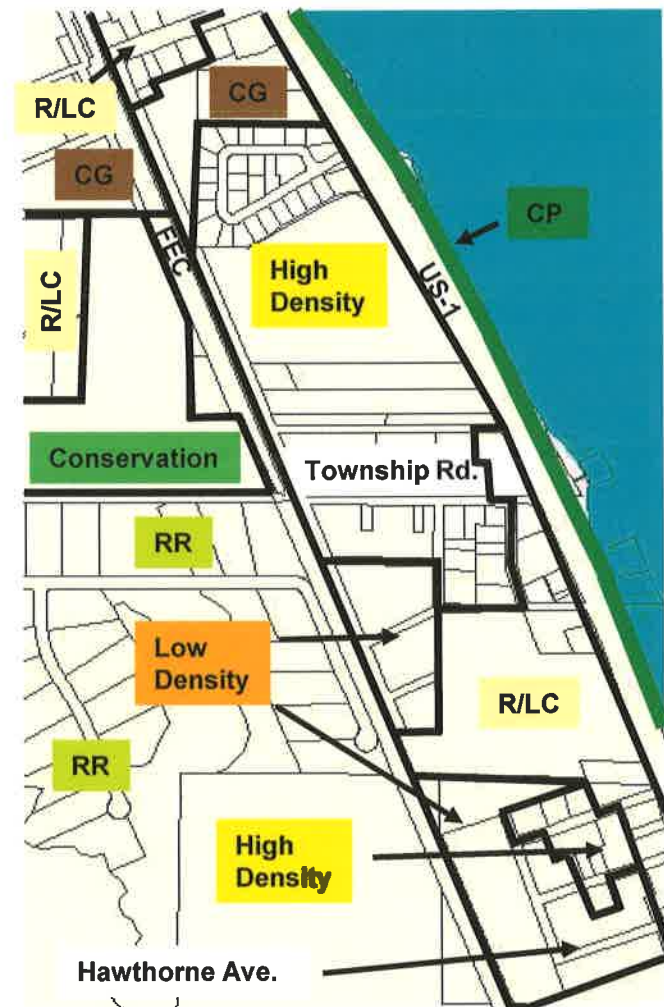


Land Use Along US-1 (Malabar Rd. to Hawthorn Ave.)

Present Land Use



Proposed Land Use



Land Use Along US-1 (North Rocky Point)

Present Land Use



Proposed Land Use



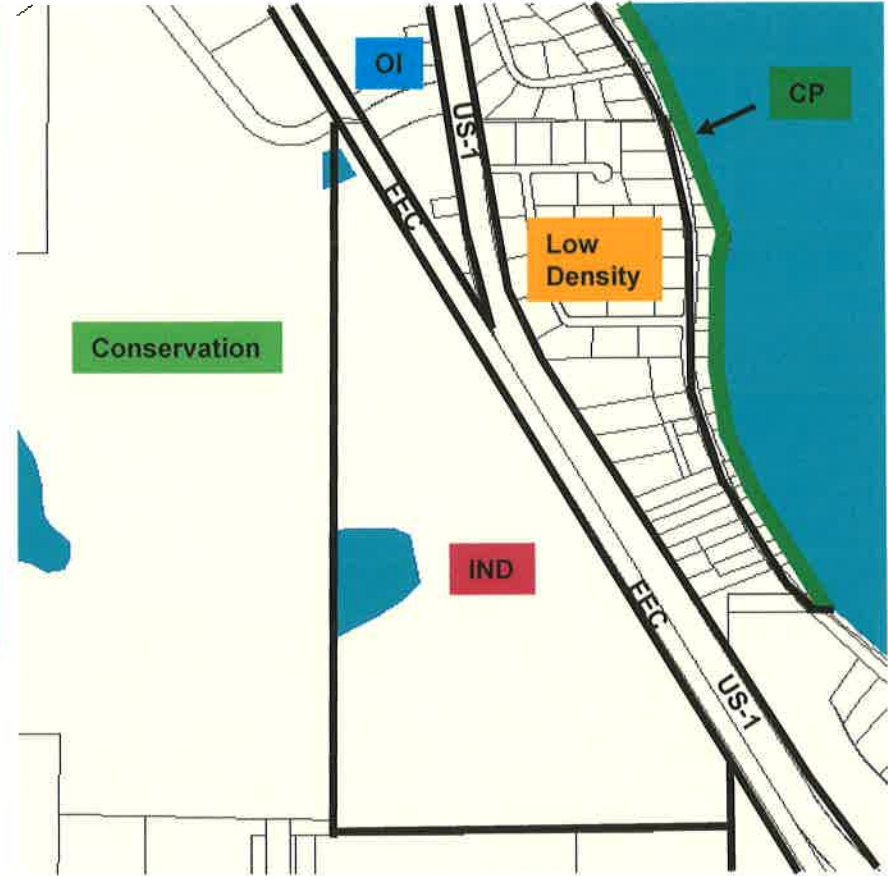
May 15, 2017

Land Use Along US-1 (Rocky Point)

Present Land Use

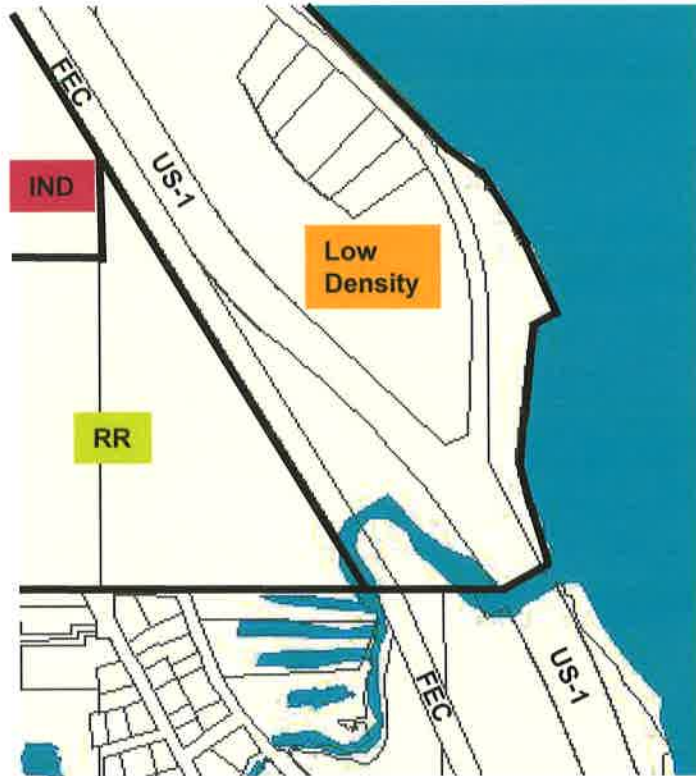


Proposed Land Use



Land Use Along US-1 (South Rocky Point)

Present Land Use



Proposed Land Use

