

CHAPTER ONE

FUTURE LAND USE ELEMENT

PURPOSE

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

PLANNING TIMEFRAMES

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

EXISTING LAND USE CONDITIONS

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

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

TABLE 1-1 EXISTING LAND USES

| Existing Land Use | Acres | Percentage |
|--------------------------|----------|------------|
| AGRICULTURE | 89.15 | 1.30% |
| AQUATIC PRESERVE | 16.35 | 0.20% |
| COMMERCIAL | 38.43 | 0.56% |
| CONSERVATION | 1009.45 | 14.75% |
| INDUSTRIAL | 120.58 | 1.45% |
| INSTITUTIONAL | 83.33 | 1.00% |
| INTRACOASTAL WATERWAY | 1,467.95 | 17.65% |
| MOBILE HOMES | 2.95 | 1.00% |
| MULTI-FAMILY RESIDENTIAL | 4.08 | 0.05% |

| Existing Land Use | Acres | Percentage |
|---------------------------------------|-----------------|----------------|
| PARKS | 80.14 | 0.96% |
| ROW | 501.92 | 6.04% |
| SINGLE-FAMILY RESIDENTIAL | 1,714.11 | 20.61% |
| TRANSPORTATION | 39.28 | 0.47% |
| VACANT AGRICULTURAL | 386.96 | 4.65% |
| VACANT COMMERCIAL | 343.73 | 4.13% |
| VACANT INDUSTRIAL | 245.33 | 2.95% |
| VACANT INSTITUTIONAL | 70.96 | 0.85% |
| VACANT RESIDENTIAL | 1,987.30 | 23.90% |
| VACANT RESIDENTIAL/LIMITED COMMERCIAL | 29.45 | 0.35% |
| TOTAL | 8,315.59 | 100.00% |

Source: Brevard County Property Appraiser; Town of Malabar, Calvin, Giordano & Associates

FACILITIES ANALYSIS

Sanitation Sewer Facilities

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

Potable Water Facilities

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

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

The permitted withdrawal rates for this plant are 4.7 MGD declining 0.1 MGD per year until 2021, when the withdrawal rate will be 3.4 MGD for the Surficial Aquifer wells and 0.72 MGD for the Town of Malabar

Floridan Well. The RO WTP has 3 Floridan Aquifer wells permitted to withdraw 2.61 MGD. The current capacity of the RO WTP is 1.5 MGD with the ability to expand to 3 MGD. The South Regional Water Treatment Facility is an RO facility with five Floridan Aquifer wells with a permitted withdrawal of 5.09 MGD in 2007 expanding to 10.49 MGD in 2021.

Solid Waste

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

Stormwater Drainage Facilities

The Town of Malabar joined the Brevard County Stormwater Program in 2000. Funding for the stormwater program is collected through taxes by the Town at an average of \$107,000 annually since 2017. There is an interlocal agreement to pay the County to administer this utility. Through this program, the County acts as the stormwater administrator for the Town, ensuring that the procedures and policies enacted in the Town are consistent with that of the County. This partnership has proven to be a more efficient and cost-effective approach to stormwater management. There are ten prioritized stormwater capital improvement projects planned within the Town since 2014 and are reviewed and modified as necessary each year.

Transportation

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

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

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

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

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

Parks and Recreation

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

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

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

Public Schools

The Brevard County School Board provides figures for current and projected student enrollment and capacity for each district. Malabar is within the School Board District 3. Within District 3 there

are currently 2 elementary schools, 1 middle school, and 2 high schools serving the Town of Malabar.

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

Capital Improvements

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

HISTORIC PRESERVATION

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

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

LAND COVER

Map FLU-7 Habitats and Land Cover identifies and maps native habitat within the Town. Land coverage can be broadly categorized into disturbed lands and undisturbed wetland or upland habitats. The developed/disturbed land coverage comprises 1,565.83 acres of the total area.

The bulk of this, 1,297.26 acres, is considered urban in nature. The wetland and open water coverage is 2,702.57 acres of the total area. The undisturbed native upland habitats are 4,047.11 acres of the total area.

TABLE 1-9: HABITATS AND LAND COVER

| HABITAT LAND COVERAGE | | ACRES | HABITAT BREAKDOWN |
|---------------------------------|----------------------------------|-----------------|---|
| I. | Improved Pasture | 178.08 | Section I. Represents developed or disturbed land for a subtotal of 1,565.83 acres or 18.83% of the total area. Nearly 83% of this category of land is considered urban in nature. |
| | Unimproved Pasture | 2.22 | |
| | Row/Field Crops | 21.18 | |
| | Citrus | 31.67 | |
| | Other Agriculture | 19.50 | |
| | Bare Soil/Clearcut | 15.92 | |
| | Low Impact Urban | 458.14 | |
| | High Impact Urban | 839.12 | |
| II. | Open Water | 153.65 | Section II. Represents the wetland and open water coverage for a subtotal of 2,702.57 acres or 32.5% of the total area. This is comprised of open water along with salt and freshwater native habitats. |
| | Mangrove Swamp | 0.22 | |
| | Salt Marsh | 6.59 | |
| | Freshwater Marsh and Wet Prairie | 426.84 | |
| | Shrub Swamp | 218.17 | |
| | Mixed Wetland Forest | 140.53 | |
| | Cypress Swamp | 174.59 | |
| | Hardwood Swamp | 114.05 | |
| III. | Dry Prairie | 1,217.37 | Section III. Represents the native upland |
| HABITAT LAND COVERAGE | | ACRES | HABITAT BREAKDOWN |
| | Grassland | 2.89 | coverage for a subtotal of 4,047.11 acres or 48.67% of the total area. This is comprised of grassland, scrub and forested habitats |
| | Shrub and Brushland | 45.58 | |
| | Sand Pine Scrub | 154.17 | |
| | Xeric Oak Scrub | 24.54 | |
| | Pinelands | 2,066.78 | |
| | Mixed Pine-Hardwood Forest | 259.22 | |
| | Hardwood Hammocks and Forest | 276.56 | |
| LAND COVER TOTAL ACREAGE | | 6,847.57 | |

Source: Florida Fish and Wildlife Commission, 2003

Water Resources

Some water ways are manmade features and some are naturally occurring depressional ponds. Two natural water ways, Goat Creek and Turkey Creek also traverse the Town. The predominant water feature that is present is the Indian River Lagoon, which forms the eastern boundary of the Town. *Map FLU-6 Water Bodies* highlights water resources.

Wellfield Protection

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

Soils

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

Soil Erosion

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

Commercially Valuable Minerals

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

Development and Redevelopment on Flood Prone Areas

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

Topography

Map FLU-5 *Topography*, identifies the topography of the Town. The Town is relatively flat with elevations ranging from 0 to 30 feet. The majority of the Town is at 20 feet. Although, the lowest elevation is found along the coastline and the two creeks that traverse the Town, Turkey Creek lies in the northwest corner and Goat Creek lies in the southeast corner, there are multiple basins and sub-basins identified by engineering studies paid for by Malabar that show development within Flood Zone A. The Atlantic Coastal Ridge, a narrow ridge that runs along mainland coastline, forms the highest ground in the Town. It is a natural barrier to drainage of the interior, except where it is breached by shallow sloughs or rivers. From this ridge, the ground slopes gently downward to the western sandy flatlands. The Atlantic Coastal Ridge runs along the vast majority of the eastern coast of the U.S.

Hazard Mitigation

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

Need for Redevelopment

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

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

The residential homes that currently exist along the road are no longer considered appropriate due to the access constraints and road characteristics which can be described as an arterial road rather than a local access road. The speed limit along Malabar Road also raises a concern for existing residential uses. Small clusters of commercial development have spurred along the road due to its centrality and connectivity to other arterial roads and major highways such as US-1 and I-95. It is this connectivity that presents an opportunity to develop Malabar Road into a successful corridor. However, density and design standards must be carefully considered in order to preserve the Town's overall rural character.

FUTURE LAND USE ELEMENT

GOALS, OBJECTIVES, AND POLICIES

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

GOAL 1-1

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

1-1.1 Objective:

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

1-1.1.1 Policy:

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

Any potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping, screening and buffering of all

nonresidential activities located adjacent to residential activities. In addition, other reasonable design principles shall be included in the zoning code in order to alleviate any potential adverse impacts of potentially incompatible land uses.

1-1.1.2 Policy:

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

1-1.1.3 Policy:

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

1-1.1.4 Policy:

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

1-1.1.5 Policy:

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

1-1.2 Objective:

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

1-1.2.1 Policy:

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

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

1-1.2.2 Policy:

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

1-1.2.3 Policy:

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

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

1-1.3 Objective:

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

1-1.3.1 Policy:

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

- a. Trip generation characteristics, impact on existing and planned transportation systems, including dependency on rail, air, or trucking for distribution of material and goods;
- b. Anticipated employment generation, floor area requirements, and market area;
- c. Ability to meet established performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, glare, noise or odor, generation of hazardous by-products;
- d. Impact on established and planned development and natural systems;
- e. Impact on existing and planned public services, utilities, water resources, and energy resources.

1-1.3.2 Policy:

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

The Town shall not amend the Future Land Use Map in a manner which would promote the encroachment of industrial activities into residential

areas or in a manner which would adversely impact the integrity of established development. No such Future Land Use Map amendment shall be approved unless the applicant presents requisite information needed to affirmatively address policy considerations identified in Policy 1-1.3.1 above.

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

1-1.4 Objective:

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

1-1.4.1 Policy:

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

1-1.4.2 Policy:

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

§1-2 Managing Future Land Use

Goal 1-2

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

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

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

1-2.1 Objective:

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

- a. In cases where land abuts the tidal waters of the Indian River and all tributaries and manmade canals thereof, the boundary of the land shall be delineated as established by State statutes (Chapter 177, Part II, Coastal Mapping), or as may be amended.
- b. No submerged land or aquatic areas waterward of the boundary above described shall be included as gross land area under this definition.
- c. No land areas proposed to be allocated to nonresidential uses shall be included under this definition, excepting contiguous areas proposed for:
 - Public of private rights-of-way;

- Utilities under common ownership and principally supporting the residential use
- Recreational facilities for the primary use of on-site residents; and
- Dedications to the Town or other Town approved agencies or Town approved not-for-profit corporations.

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

- a. Protect the integrity and stability of established residential areas;
- b. Assure smooth transition in residential densities;
- c. Require application of sound landscaping and urban design principles and practices;
- d. Protect environmentally sensitive areas;
- e. Minimize the impact of hurricane and flood hazards;
- f. Coordinate with Brevard County; and
- g. Provide equitable rights to the use of the land.

1-2.1.2 Policy:

Rural Residential Development (RR). Areas delineated on the Future Land Use Map for rural residential development shall be developed and maintained as rural residential areas with a density of one and one-half (1.5) acres per dwelling unit. This designation is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lots for rural residential

homesites. The areas contain few urban services and the street system is generally incapable of carrying traffic generated by urban densities. This land use policy provides land area for accommodating a unique lifestyle which cannot be accommodated in more dense residential areas. Zoning regulations shall provide standards for these areas which are designed to permit development compatible with the need for preserving a rural character and large open space systems.

1-2.1.3 Policy:

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

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

1-2.1.4 Policy:

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

uses may be located within areas designated MDR. The Town land development regulations shall provide regulatory procedures for considering such uses.

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

1-2.1.5 Policy:

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

1-2.2 Objective:

Allocating commercial development. The Future Land Use Map shall identify the allocation of commercial land for: 1) multiple-family residential or office development; 2) limited commercial development; and 3) general commercial activities. The allocation of land for commercial development is compatible with goals and objectives identified in the Comprehensive Plan and consistent with supportive research and analysis. The policies sated below provide an explanation of the purpose, intent and character of the commercial land use designations.

1-2.2.1 Policy:

Multiple-Family Residential or Office Development (MRO). The MRO policy designation is a land use classification designed to accommodate

residential development, offices, and institutional uses. This policy designation is intended for sites which shall:

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

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

1-2.2.2 Policy:

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

- Have accessibility to major thoroughfares;
- Have potential to be served by a full complement of urban services;
- Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential future adjacent land uses of differing intensity;

- Accommodate only office buildings and institutional land uses and shall expressly exclude general retail sales and services, warehousing, and outside storage; and
- Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.

1-2.2.3 Policy:

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

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

commercial amusements; fast food establishments primarily serving in disposable containers and/or providing drive-in facilities, and other similar services to be expressly defined in the zoning ordinance.

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

1-2.2.4 Policy:

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

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

1-2.2.5 Policy:

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

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

since such development would be incompatible with existing and anticipated future residential development within or in the vicinity of areas designated "R/LC" on the Future Land Use Map.

1-2.2.6 Policy:

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

- a. *Percent of Site for Mixed Use Development.* Within the R/LC designation where Residential and Limited Commercial activities are proposed to occupy the same site and/or the same building the following minimum and maximum percentages shall apply:

| | Minimum | Maximum |
|--------------------|---------|---------|
| Limited Commercial | 20% | 90% |
| Residential | 10% | 80% |

- b. *Limited Commercial Uses.* Limited Commercial uses with the R/LC FLUM designation shall have a minimum floor area of nine hundred (900) square feet and a maximum of four thousand (4,000) square feet.
- c. *Residential Uses.* Single family units shall have a maximum density of four (4) units per acre. Multiple family uses shall have a density no greater than six (6) units per acre. However, any residential site located with a high surficial aquifer area on the Atlantic Coastal Ridge and not served by central water and wastewater shall have a density no greater than two (2) units per acre.
- d. *Minimum Lot Requirements.* Lots within the R/LC FLUM designation shall have a minimum lot size of 20,000 square feet, a minimum width of 100' and a minimum depth of 150'.

- e. *Setback Requirements.* Single family units shall have setbacks of 25' in the front, 10' on the interior and street sides, and 20' in the rear. Multiple family units shall have setbacks of 50' in the front, 10' on the interior side, 20' on the street side, and 25' in the rear.
- f. *Building Height Requirements.* Any building within the R/LC FLUM designation shall have a maximum height of thirty-five (35) feet or three (3) stories.
- g. *Coverage Requirements.* Single family residential uses shall have an impervious surface ration of 50% with a minimum open space requirement of 50%. Multiple family residential uses shall have an impervious surface ratio of 65% with a minimum open space requirement of 35%. Limited commercial uses shall have a maximum floor to area ratio (FAR) of 0.20.
- h. *Buffering.* The R/LC district is intended and shall be interpreted to be a "commercial" district with respect to required buffering and other provisions referenced by zoning district in the Land Development Code.

1-2.7 Objective:

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

1-2.7.1 Policy:

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

Industrially designated areas are not generally adaptive to residential use and as such industrial activities shall not be located in areas designated for residential development. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is

necessary for security purposes. Such a use may be permitted as an accessory use through appropriate zoning procedures.

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

1-2.8 Objective:

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

1-2.8.1 Policy:

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

1-2.9 Objective:

Allocating Open Space and Recreation (OSR). The open space and recreation designation has been established to direct the preservation of open spaces and

recreation areas, both publicly owned and privately owned, including golf courses, parks, recreation areas and similar facilities.

1-2.9.1 Policy:

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

1-2.10 Objective:

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

1-2.10.1 Policy:

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

1-2.10.2 Policy:

Conservation Designation consistent with Conservation Element. Lands designated for conservation shall be consistent with the Conservation

Element and shall reflect actions taken to implement the goals, objectives and policies of the Conservation Element.

1-2.10.3 Policy:

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

1-2.10.4 Policy:

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

1-2.10.5 Policy:

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

1-2.10.6 Policy:

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

1-2.10.7 Policy:

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

1-2.11 Objective:

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

1-2.11.1 Policy:

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

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

The planned unit development overlay designation shall be available as a voluntary approach for managing specific development characteristics and project amenities to be incorporated in residential, commercial, industrial or mixed use development options. The basic development options, including

principles for locating alternative land use activities shall be governed by the underlying land use designated for the site. Developers who voluntarily participate in the process shall bind themselves as well as those who may be their successors in title to the affected land.

1-2.11.2 Policy:

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

1-2.12 Objective:

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

1-2.12.1 Policy:

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

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

residential properties, and shall require successful mitigation of the adverse impacts generated by outside unenclosed activity areas such as playgrounds and field sports areas.

1-2.12.2 Policy:

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

1-2.12.3 Policy:

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

- a. Elementary School. A minimum of four (4) acres for the first two hundred (200) student capacity plus one (1) acre for each additional one hundred (100) students.
- b. Middle or Junior High School. A minimum of six (6) acres for the first three hundred (300) student capacity plus one (1) acre for each additional one hundred (100) students.
- c. Senior High School. A minimum of seven (7) acres for the first three hundred (300) student capacity plus one (1) acre for each additional fifty (50) students up to one thousand (1,000) students thereafter.
- d. Minimum site size may be adjusted for sites on which co-location of facilities are proposed or on sites characterized by development of

multi-story facilities designed to achieve advantages of cluster design techniques consistent with best management principles and practices.

1-2.12.4 Policy:

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

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

1-2.12.5 Policy:

School Site Locations: Protect Natural Resources and Avoid Encroachment into Environmentally Fragile Systems. School facilities shall not be located within wetlands, the 100-year floodplain, or threatened or endangered flora or fauna habitats. School facilities shall be planned and developed in a manner approved by all federal, state, and local agencies having jurisdiction over such natural resources, including applicable buffer standards. School sites shall be well drained and the soils shall not impose severe constraints to intensive development.

1-2.12.6 Policy:

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

1-2.12.7 Policy:

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

1-2.12.8 Policy:

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

1-2.12.9 Policy:

Siting of Private School Sites. The intent and purpose of public and private schools is to provide an organized system of education to a student population. Although the age of the student population served and the

program orientation of educational facilities may differ widely, both public and private school facilities generate potential land use compatibility issues previously identified in Policies 1-2.12.1 through 1-2.12.8.

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

1-2.12.10 Policy:

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

1-2-13 Objective:

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

1-2.2.13.1 Policy:

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

atmosphere of the Town; and enhances and improves traffic operations and mobility along Malabar Road.

1-2.13.2 Policy:

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

1-2.13.3 Policy:

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

§1-3 Land Use Element Implementation

Goal 1-3

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

1-3.1 Objective:

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

1-3.1.1 Policy:

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

1-3.1.2 Policy:

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

1-3.1.3 Policy:

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

1-3.1.4 Policy:

In order to implement concurrency management, the Town shall require that all proposed non-residential developments and/or proposed residential developments that require a comprehensive plan amendment and/or zoning code amendment, whichever occurs first, shall at the time the subject application for amendment is filed, submit information which demonstrates

that all urban services needed by the proposed development can and will be provided concurrent with the new development.

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

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

- Other information which the Town determines is necessary to assure that the concurrency requirement shall be satisfied without adversely impacting existing levels of service of the Town's ability to adequately service participated development which is consistent with the adopted plans and policies of the Town.

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

1-3.1.5 Policy:

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

1-3.1.6 Policy:

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

- a. Regulate the subdivision of land;
- b. Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;
- c. Protect the environmentally sensitive lands designated in the Comprehensive Plan;

- d. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
- e. Protect potable water wellfields and aquifer recharge areas;
- f. Regulate signage;
- g. Ensure safe and convenient onsite traffic flow and vehicle parking needs, and;
- h. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the impacted public facilities below the level of service standards which shall be adopted by the Town Council.

1-3.1.7 Policy:

Standards for residential density. Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities as indicated below and as elaborated in §4-2; Policy 1.1(1-5), herein:

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

1-3.1.8 Policy:

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

1-3.1.9 Policy:

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

| Land Use Category | Intensity Standards | |
|---|---------------------|-------------------|
| | Height | Building Coverage |
| <i>Multiple-Family Residential or Office Development (MRO).</i> | 35 feet | 20% |
| <i>Office-Institutional Development (OI).</i> | 35 feet | 20% |
| <i>Limited Commercial Development (CL).</i> | 35 feet | 20% |
| <i>General Commercial Development (CG).</i> | 35 feet | 20% |
| <i>Industrial Development (IND).</i> | 35 feet | 42% |
| <i>Institutional Services (INS).</i> | 35 feet | 20% |
| <i>Open Space and Recreation (OSR)</i> | 35 feet | 10% |
| <i>Conservation (CON)</i> | 35 feet | 5% |

1-3.1.10 Policy:

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

- a. Provide criteria for protecting wetlands;
- b. Establish buffering and open space requirements;
- c. Provide criteria for protection of potable water wellfields;
- d. Provide criteria for drainage and stormwater management;
- e. Incorporate criteria for requiring off-street parking and managing internal traffic circulation as well as access to and egress from the street system;
- f. Mandate availability of requisite services and infrastructure;
- g. Stipulate criteria for screening and buffering land uses and facilities which may otherwise adversely impact development of adjacent land use;
- h. Establish standards for erosion control;
- i. Address historically significant properties meriting protection.

1-3.2 Objective:

Encourage redevelopment and renewal: Manage future redevelopment of declining areas. Although the Town currently has no blighted or declining

areas, the Town has designated Malabar Road and US-1 as target areas for redevelopment. The Town shall coordinate public and private resources necessary to initiate needed improvements and/or redevelopment within currently defined redevelopment areas as well as areas that may in the future exhibit indications of blight or decline.

1-3.2.1 Policy:

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

1-3.2.2 Policy:

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

1-3.2.3 Policy:

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

1-3.2.4 Policy:

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

1-3.3 Objective:

Prevent land use inconsistent with Town's character. Future land uses shall be consistent with the Town's character, the Future Land Use Map, and other applicable laws, ordinances, and administrative rules impacting land and water resources. Similarly, if improvements are proposed to an existing structure

which does not comply with such provisions governing setbacks, size dimensions, height, density, or other location criteria, then: 1) in no case shall any existing non-compliance be increased; and 2) the existing non-compliance shall be eliminated or reduced to the greatest reasonable and practical extent.

1-3.3.1 Policy:

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

1-3.3.2 Policy:

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

1-3.4 Objective:

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

1-3.4.1 Policy:

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

the local, State, and Federal level as well as available private sector resources.

1-3.4.2 Policy:

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

1-3.4.3 Policy:

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

1-3.5 Objective:

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

1-3.5.1 Policy:

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

1-3.5.2 Policy:

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

1-3.5.3 Policy:

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

1-3.5.4 Policy:

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

1-3.5.5 Policy:

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

1-3.5.6 Policy:

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

1-3.6 Objective:

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

1-3.6.1 Policy:

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

1-3.7 Objective:

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

1-3.7.1 Policy:

Strategic placement of infrastructure. Infrastructure shall be located in areas where maximum physical advantage exists, where the least dredging and maintenance are required, and where adequate resources will not be adversely affected subject to State and Federal regulations.

1-3.7.2 Policy:

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

1-3.7.3 Policy:

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

1-3.8 Objective:

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

1-3.8.1 Policy:

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

1-3.9 Objective:

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

1-3.9.1 Policy:

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

1-3.9.2 Policy:

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

1-3.9.3 Policy:

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

1-3.9.4 Policy:

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

1-3.10 Objective:

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

1-3.10.1 Policy:

Incorporate innovative techniques in the land development regulations. The Town's land development regulations shall incorporate land and water resource management techniques which have been demonstrated to be successful and cost effective in resolving development and conservation issues.

1-3.11 Objective:

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

1-3.11.1 Policy:

Implementing intergovernmental coordination. The Town shall require that development applications be coordinated, as appropriate, with the City of Palm Bay, Town of Grant-Valkaria, Brevard County, special districts, the East Coast Regional Planning Council, the St John's River Water Management District, as well as

State and Federal agencies prior to issuance of a development order or permit.

1-3.12 Objective:

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

1-3.12.1 Policy:

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

1-3.12.2 Policy:

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

1-3.12.3 Policy:

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

1-3.12.4 Policy:

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

1-3.12.5 Policy:

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

1-3.12.6 Policy:

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

1-3.12.7 Policy:

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

1-3.12.8 Policy:

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

1-3.12.9 Policy:

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

1-3.13 Objective:

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

1-3.13.1 Policy:

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

1-3.13.2 Policy:

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

1-3.13.3 Policy:

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

1-3.13.4 Policy:

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

APPENDIX 1A FLORIDA MASTER SITE PLAN

| Site Name | Site Type | Site Detail | Cultural Affiliation | Survey Evaluation | Historic Preservation Office (SHPO) Evaluation | Human Remains |
|----------------|-----------------------------|------------------------|---|----------------------------------|--|---------------|
| MALABAR | Prehistoric shell midden | <u>Ceramic scatter</u> | <u>Malabar I and Malabar II</u> | <u>Not Evaluated by Recorder</u> | <u>Not Evaluated by SHPO</u> | |
| DAMON | Prehistoric burial mound(s) | <u>Ceramic scatter</u> | <u>Prehistoric</u> | <u>Not Evaluated by Recorder</u> | <u>Not Evaluated by SHPO</u> | Yes |
| Brick Chimney | Building remains | | <u>Twentieth century American, 1900-present</u> | <u>Ineligible for NRHP</u> | <u>Not Evaluated by SHPO</u> | |
| Historic Canal | Canal | | <u>Twentieth century American, 1900-present</u> | <u>Ineligible for NRHP</u> | <u>Not Evaluated by SHPO</u> | |
| | | | | | | |

Source: Florida Master Site File, Florida Division of Historic Resources, 2008