



# REGULAR TOWN COUNCIL MEETING

Monday, February 5, 2024 at 7:30 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA

- a. Approve Minutes of 1/08/2024

Exhibit: Agenda Report Number 4.a.

**Attachments:**

- **Agenda Report Number 4.a.** (Agenda\_Report\_Number\_4.a.pdf)

5. PRESENTATION

- a. Dana Investment

Dave Mazza and Greg Peters

6. ATTORNEY REPORT

7. BCSO REPORT

8. BOARD / COMMITTEE REPORTS

- a. T&G Committee

Exhibit: Agenda Report Number 8.a.

**Attachments:**

- **Agenda Report Number 8.a** (Agenda\_Report\_Number\_8.a..pdf)

- b. Park & Recreation Board

Exhibit: Agenda Report Number 8.b.

**Attachments:**

- **Agenda Report Number 8.b.** (Agenda\_Report\_Number\_8.b..pdf)

- c. Planning & Zoning Board

Exhibit: Agenda Report Number 8.c.

**Attachments:**

- **Agenda Report Number 8.c.** (Agenda\_Report\_Number\_8.c..pdf)

9. STAFF REPORTS

- a. Manager

**b. Fire Chief**

Exhibit: Agenda Report Number 9.b.

**Attachments:**

- **Agenda Report Number 9.b.** (Agenda\_Report\_Number\_9.b..pdf)

**c. Public Works Director**

Exhibit: Agenda Report Number 9.c.

**Attachments:**

- **Agenda Report Number 9.c.** (Agenda\_Report\_Number\_9.c..pdf)

**d. Clerk**

Exhibit: Agenda Report Number 9.d.

**Attachments:**

- **Agenda Report Number 9.d.** (Agenda\_Report\_Number\_9.d..pdf)

**10. PUBLIC COMMENTS**

Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)

***Five (5) Minute Limit per Speaker***

**11. PUBLIC HEARINGS / SPECIAL ORDERS**

**12. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING**

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

**13. ACTION ITEMS**

ORDINANCES: 0

RESOLUTIONS: 0

MISCELLANEOUS: 4

**a. Request for Parcel 29-37-03-01-\*-1.01 to contract or deannex property from the Town of Malabar**

Exhibit: Agenda Report Number 13.a.

**Attachments:**

- **Agenda Report Number 13.a.** (Agenda\_Report\_Number\_13.a..pdf)

**b. Approve Temporary Placement of a Travel Trailer While Constructing SFR at 1880 Sandy Creek Lane**

Applicant: Bruce Bonnett

Exhibit: Agenda Report Number 13.b.

**Attachments:**

- **Agenda Report Number 13.b.** (Agenda\_Report\_Number\_13.b..pdf)

**c. Connex Container Discussion**

Recommendation from Planning and Zoning Board

Exhibit: Agenda Report Number 13.c.

**Attachments:**

- **Agenda Report Number 13.c.** (Agenda\_Report\_Number\_13.c..pdf)

**d. Cancel Second RTCM of February 2024**

Exhibit: Agenda Report Number 13.d.

**Attachments:**

- **Agenda Report Number 13.d.** (Agenda\_Report\_Number\_13.d..pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**14. DISCUSSION/POSSIBLE ACTION**

**a. Town Hall and Historical House Location Discussion**

CM Vail

Exhibit: Agenda Report Number 14.a.

**Attachments:**

- **Agenda Report Number 14.a.** (Agenda\_Report\_Number\_14.a..pdf)

**b. Springfest and Parks Discussion**

CM Acquaviva

Exhibit: Agenda Report Number 14.b.

**Attachments:**

- **Agenda Report Number 14.b.** (Agenda\_Report\_Number\_14.b..pdf)

**c. Table 1-3.3(A) to be reviewed by Planning and Zoning Board**

Mayor Reilly

Exhibit: Agenda Report Number 14.c.

**Attachments:**

- **Agenda Report Number 14.c.** (Agenda\_Report\_Number\_14.c..pdf)

**d. Discussion of Quiet Zones - Tabled**

Tabled by CM Hofmeister/CM Vail

Exhibit: Agenda Report Number 14.d.

**Attachments:**

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- **Agenda Report Number 14.d.** (Agenda\_Report\_Number\_14.d..pdf)

**e. State Legislative Session Update**

Exhibit: Agenda Report Number 14.e.

**Attachments:**

- **Agenda Report Number 14.e.** (Agenda\_Report\_Number\_14.e..pdf)

**15. PUBLIC COMMENTS**

General Items (Speaker Card Required)

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

**17. ANNOUNCEMENTS**

(2) Vacancies on the Trails and Greenways Committee; (3) Vacancies on the Parks and Recreation Board, (2) Vacancy on the Planning and Zoning Board; and (2) Vacancy on the Board of Adjustment.

**18. 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

## Regular Town Council Meeting

**AGENDA ITEM NO: 4.a.**  
**Meeting Date: February 5<sup>th</sup>, 2024**

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Approve Minutes of 1/08/2024 RTCM Minutes**

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**BACKGROUND/HISTORY:**

Summary of actions at Town Council Meetings

**ATTACHMENTS:**

- Draft Minutes of the RTCM of 1/08/2024

**ACTION OPTIONS:**

Review

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
January 08<sup>th</sup>, 2024, 7:30 PM**

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

**1. CALL TO ORDER:**

Council Vice Chair David Scardino called meeting to order at 7:30 pm. CM Vail led P&P.

**2. ROLL CALL:**

CHAIR:	MAYOR PATRICK T. REILLY - EXCUSED
VICE CHAIR:	DAVID SCARDINO
COUNCIL MEMBERS:	MARISA ACQUAVIVA - EXCUSED
	BRIAN VAIL
	JIM CLEVINGER
	MARY HOFMEISTER
TOWN ATTORNEY:	KARL BOHNE - EXCUSED
TOWN MANAGER:	LISA MORRELL
TOWN CLERK:	RICHARD KOHLER

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

**4. CONSENT AGENDA:**

**4.a. Approve Minutes of 12/04/2023 RTCM**

Exhibit: Agenda Report Number 4.a.

**MOTION: CM Hofmeister/CM Vail to approve Consent Agenda as presented.**

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

**5. ATTORNEY REPORT: None.**

**6. BCSO REPORT:** Deputy Casteillo reported that there was only one major incident, a wrong way pursuit on US 1 on Christmas. They also performed over 80 enforcement patrols, and 24 traffic stops. He states the deputies in this area are very active.

**7. BOARD/COMMITTEE REPORTS:**

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

Exhibit: Agenda Report Number 7.a.

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

Exhibit: Agenda Report Number 7.b.

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

Exhibit: Agenda Report Number 7.c.

**8. STAFF REPORTS:**

**8.a. Town Manager –** TM Morrell began by informing Council that the NDPES and FDEP action plan have been accepted, and we will be working through to ensure continued compliance. The ITB for Rocky Point is in process. There were 65 additional questions from vendors, which were answered today. The bid process closes on 1/29/2024. We hope to bring it forward to Council in February. Once awarded, the contractor has 272 days to complete the project. VA Paving has been contacted about paving Rocky Point Road, and the surrounding roads. The second phase of paving would be Corey and Benjamin Roads, and the third would be Brook Hollow. Hopefully, we can accomplish all of these roads in the current Fiscal Year. PW will be returning to the Allen Street

stormwater project. DEP requires an onsite Sewer and Septic plan by March 1<sup>st</sup>. We are working to comply before the deadline. CM Vail asks if that is an unfunded mandate? TM states yes. VC Scardino asks what compliance the state wants? TM states all tanks must be anaerobic by 2030. As of January 1<sup>st</sup>, you can no longer install the old type of tanks. CM Vail asks if the SORIL funds can help pay for staff time? TM Morrell states no. She does have draft plans from Palm Bay on the water expansion. CM Hofmeister asks if there are any pressing citizen inquiries? TM Morrell states that all citizen requests are pressing, and she is working through the list.

**8.b. Town Clerk – Richard Kohler** states he hopes all of Council had a pleasant Holiday with their families. Malabar and Grant Valkaria will be co-hosting the March SCLOC Dinner on March 11th. As Grant Valkaria was the lead last year, we will take the lead this year. Up the Creek Farms has been contacted and is available for the event. All of the exterior doors of Town Hall received a new exterior film, directing all traffic to the front door. The new Form 6 requirements have taken effect. Staff has sent each member of Council some training material and is available for any questions.

**9. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) – None

**10. PUBLIC HEARINGS/SPECIAL ORDERS: 0**

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

**12. ACTION ITEMS:**

**ORDINANCES for FIRST READING: 0**

**RESOLUTIONS: 0**

**MISCELLANEOUS: 6**

**12.a. Treasurer Position – Top Ranked Applicant. Resolution 01-2024**

Exhibit: Agenda Report Number 12.a.

Town Manager Morrell states that the top ranked applicant, Ms. Austin is present. We interviewed 3 candidates, and Ms. Austin was the highest ranked. She has provided Council with a draft contract, which can be approved or amended tonight. Ms. Austin was called to the podium to respond to questions.

Resolution read by title only.

**MOTION: CM Vail/CM Hofmeister to approve Resolution 01-2024, appointing Town Treasurer top ranked candidate, Makayla Austin, as the Town Treasurer.**

Discussion: CM Vail asked if the applicant is aware of the small-town nature of Malabar. Ms. Austin states she is looking forward to being a part of the team.

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

**12.b. Select Representatives to the TPO/TAC Board for 2024, and TPO Update.**

Exhibit: Agenda Report Number 12.b.

Staff: Clerk Kohler states that Staff wishes to alter the current representative to the TPO and TAC. Clerk Kohler states he would like to be the selected representative, with TM Morrell remaining as the alternate. CM Vail states he supports this. TM Morrell gave an in-depth explanation of the reasoning behind the request.

Clerk Kohler also provided Council a brief update on Quiet Zones, and asked if they would like for staff to investigate further.

**MOTION: CM Scardino/CM Clevenger to appoint Town Clerk Kohler as the TPO/TAC representative for 2024.**

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

Discussion: CM Vail asks if Jordan Blvd is a quiet zone already? Staff states no. CM Hofmeister and CM Vail asks to table this until a future meeting. CM Scardino asks if we would be liable? TM Morrell states it is simply a request. Also available is a nighttime quiet zone. CM Vail states he has heard residents along the tracks have complained to him about the sound.

**MOTION: CM Hofmeister/CM Vail to table until a future meeting.**

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

#### **12.c. Procurement, Other Agency Contract – Court Resurfacing**

Exhibit: Agenda Report Number 12.c.

Staff: TM Morrell states this item was discussed in the past SLFRF discussions. This will also include pickleball lines on the tennis court.

**MOTION: CM Vail/CM Clevenger to approve utilizing 2-108, other agency contract, NCPA Contract number 08-42, awarded to Nidy Sports Construction, located at 751 General Hutchison Parkway, Longwood, FL 32750. and expend \$20,900 from State and Local Fiscal Recovery Funds (SLFRF) 525.3020.**

Discussion: None.

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

#### **12.d. Procurement – iWorQ Stormwater Management Software**

Exhibit: Agenda Report Number 12.d.

Staff: TM Morrell states that this is related to our DEP compliance. Public Works is currently working out of the citizen engagement portal. This is inefficient for the NDPES requirements. iWorQs provides similar software which can assist in the scheduling and tracking of Public Works projects.

**MOTION: CM Vail/CM Clevenger to waive the procurement process of three quotations as an add-on to existing software maintenance of a centralized repository of public data and reporting and approve the purchase.**

Discussion: CM Vail states he supports this.

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

#### **12.e. Dana Investment – Debt Service Proposal**

Exhibit: Agenda Report Number 12.e.

Staff: TM Morrell states that Dana Investments has provided a proposal for short-term investment of debt service to take advantage of the current increase of the interest rates. The market is good right now, so if we invest a portion we won't use, it will be a success.

**MOTION: CM Clevenger/CM Scardino to approve short term investment per financial advisors, Dana Investment.**

Discussion: None.

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

#### **12.f. Cancel Second RTCM of January 2024**

Exhibit: Agenda Report Number 12.f.

Staff: Town Clerk Kohler states that traditionally, Council considers the need for the 2<sup>nd</sup> meeting in January, which falls on Martin Luther King Jr. Day. If Council wishes to meet, both January 22<sup>nd</sup> and 29<sup>th</sup> are available. The next RTCM is scheduled for February 5<sup>th</sup>.

**MOTION: CM Vail/CM Hofmeister to cancel the second RTCM of January 2024.**



Discussion: CM Vail asks if there are any time sensitive issues? Staff states not at this time.

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

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

**13.a. Continued Discussion of Board Appointments and Viability**

Exhibit: Agenda Report Number 13.a.

**Staff:** Clerk Kohler states that Council previously discussed this during the November 20<sup>th</sup> RTCM, and no final decision was made. Council directed Staff to bring the item back for discussion in January. Staff have received no applications for Board Membership since the discussion. Both the Parks and Recreation Board and the Trails and Greenways Committee have expressed their desire to remain independent. The Parks and Recreation Board met in both November and December and has selected a date and scope for a 2024 Town event. However, due to Board Member commitments and quorum requirements, the Board will not be able to meet in January, and possibly not in February. CM Clevenger states we should give them a month or two.

**Discussion:** CM Vail states that he has been very busy around the holidays. He knows the board wishes to stay independent. He suggests promoting the vacancies around town aggressively. If they can't fill themselves, we should combine them.

**Barbara Cameron TGC member,** states their committee discussed that there would be a conflict if we apply for a Trails and Greenways Grant as a Park Board. We ran into that issue during the Sandhill Trailhead.

CM Hofmeister suggests tabling this item until a future meeting.

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

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

**CM Acquaviva:** Excused

**CM Vail:** He is once again working on the Malabar Historical House. He is rebuilding it as time specific as possible.

**CM Clevenger:** None

**CM Scardino:** None

**CM Hofmeister:** None

**Mayor Reilly:** Excused.

**16. ANNOUNCEMENTS:** (2) Vacancy on the Planning & Zoning Board; (3) Vacancies on the Parks and Recreation Board; (1) Vacancy on the Board of Adjustment; (1) Vacancy on the Trails and Greenways Committee.

**17. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:18 P.M.

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

ATTEST:

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

Date Approved: 02/04/2024

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 8.a**  
**Meeting Date: February 5<sup>th</sup>, 2024**

**Prepared By:** Richard W. Kohler, Town Clerk

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**SUBJECT:** Trails and Greenways Committee Report

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### **BACKGROUND/HISTORY:**

At the 1/16/2024 Trails and Greenways Committee Meeting, the Committee discussed current trail and firebreak conditions, the Cameron Preserve, and the Eagles Nest Trailhead. The Committee has scheduled a work event on February 9th and 10th to install the fence at the Eagles Nest Trailhead.

### **ATTACHMENTS:**

- None

### **ACTION:**

- Approve.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 8.b**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Parks and Recreation Board Report**

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**BACKGROUND/HISTORY:**

The Parks and Recreation Board was unable to meet in January due to quorum requirements.

At the 12/20/2023 Parks and Recreation Board Meeting, the Board continued their discussion of future Town Events. The Board agreed to host a Trunk'or'Treat in 2024, with a tentative date of October 19<sup>th</sup>. The Board also indicated that they hope to plan a larger SpringFest Event in 2025.

**ATTACHMENTS:**

- None

**ACTION:** Approve.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 8.C.**

**Meeting Date: February 5<sup>th</sup>, 2024**

**Prepared By: Richard W. Kohler, Town Clerk**

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**SUBJECT:** Planning and Zoning Board Update

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### **BACKGROUND/HISTORY:**

The Planning and Zoning Board met on January 10<sup>th</sup>. At their meeting they approved several sets of past minutes and discussed the consideration of Shipping Container for storage and dwellings. The Board agreed unanimously in a straw poll to recommend leaving the code as is with Shipping Containers being allowed for both storage and dwellings.

### **ATTACHMENTS:**

- a. None

### **ACTION OPTIONS:**

- a. None

# TOWN OF MALABAR FIRE DEPARTMENT

*Quarterly Report*

TURNING DATA INTO  
INFORMATION TO GAIN  
INSIGHTS INTO OPERATIONAL  
AND STRATEGIC CHALLENGES.

Fiscal Year 2023

*October - December*



The following report reflects the operations of Malabar Fire Department for this quarter. The dedicated personnel of the fire department serve with excellence and integrity to answer all calls for service within the Town of Malabar and surrounding communities. All members are working collaboratively to ensure that the fire department is operating efficiently and effectively.

It is the intent of the Malabar Fire Department to perform the selfless duties of the fire service with the goal of identifying any weaknesses and building upon strengthening those weaknesses with thoughtful ideas utilizing discussions and data analysis.

The department's current goals are to continue revamping the department wide SOGs to ensure guidance is offered for the various administrative and operational business for the personnel. To date the department has introduced **37 SOGs** that have been either revised or developed. Each member of the department is assigned a group of SOGs to develop or revise, that fall within their areas of responsibility (Lt. Hooker – 5 SOGs, Lt. Borda – 4 SOGs, Lt. Strickland – 3 SOGs, Lt. Riley – 4 SOGs, DE Braun – 2 SOGs, DE Phang – 4 SOGs, DE Endicott – 5 SOGs, DE Gianantonio – 6 SOGs). The department is also developing an operational objective manual to outline risk assessment and critical task assignment for the various emergencies faced by the fire service. This will help facilitate additional training scenarios to ensure there is alignment with national standards for operational readiness.

## **Accomplishments**

All department personnel were assigned an Area of Responsibility to allow delegation of tasks regarding fire department operations. Each member was briefed on the expectations of their assigned area and provided with the necessary budget information involving their responsible assignment. The importance of communication among each other and documentation was paramount for these assignments. This delegation among all career staff creates ownership of the department and allows each employee to be responsible for projects, equipment, and infrastructure needs in the department. This also provides added value among these members in facilitating and completing the work involved in maintaining and operating a functioning fire department.

Along with the above assignments, the career members were also explained that alignment with the recent state safety inspection was crucial in keeping up to date with the current checklist for safety around the fire station and on incident scenes. Through this explanation, members were quick to develop tracking spreadsheets and workflow processes that will help with inventory accountability, annual testing procedures and schedules, and required or new training for all members. Every quarter we will review each area and determine if we need to plan for budget requests or change any operational procedures to ensure we are complying with the requirements for the state safety inspection. These assignments will align with evaluation performance reviews.

Malabar Fire Department employees continue to conduct leadership book reviews as a professional development process towards excellence. The books center around leadership in various career fields, so that our members can be exposed to multiple theories of leadership.



This allows each member to create for themselves a leadership style that they can enhance throughout their career.

Malabar Fire Department applied for the Leary Firefighter Foundation grant for a new battery powered Positive Pressure Fan. Unfortunately, we were not recipients of this year's awards, but will try again next year for the same equipment. We will continue to apply for grant funding opportunities to assist in acquiring needed equipment.

Each day your fire department is working to move the organization in a forward direction. The dedicated members of Malabar Fire Department continually make improvements in processes and operations so that the services we provide can be beneficial for the community.



Crews prepared the borrowed engine from Palm Bay to receive decals that identify the unit as a Malabar Fire Department apparatus. This will reduce confusion and provide accountability when responding to calls with other agencies.

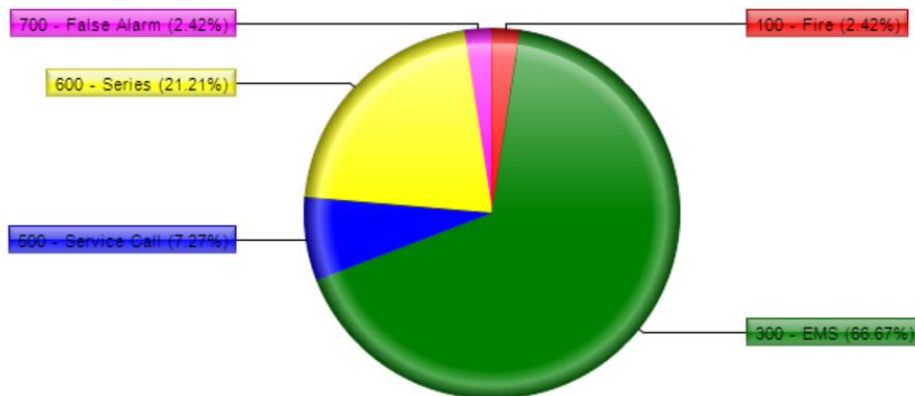


## CALLS FOR SERVICE

Each fire department is responsible for planning and managing its operations so that firefighters can perform their roles of fire control and fire prevention most effectively and efficiently. The availability of accurate information about fires and all other incidents is vital in achieving maximum performance. Patterns that emerge from the analysis of incident data can help the department focus on current problems, predict future problems in the community, and measure the department's performance. (excerpt from National Incident Fire Reporting System reference guide)

Every call we respond to provides data points in which we can measure our performance and identify any response issues that are under our control and can be further evaluated for developing ways to improve our service delivery or any anomalies in which we need to recognize and further evaluate with specific data sets. The transparency of our service revolves around our response data and our measurements of actions delivered on an emergency scene. It is Malabar Fire Department's intent to analyze all data sets and strategically and thoughtfully develop solutions to enhance our service delivery to the community. The following is our incident type response data from the past quarter.

Incident Types	October	November	December
Fire – Structure/Vehicle	1	0	0
Fire – Brush	0	2	1
EMS	30	34	42
Hazardous Condition	0	0	0
Service Calls	3	3	6
Good Intent Calls	10	14	12
Fire Alarms	2	0	2
Special Incident	0	0	0
<b>Monthly Total</b>	<b>46</b>	<b>53</b>	<b>63</b>





## Call Comparison from Previous Year's Quarter

The following shows the comparison of increases or decreases in call volume from the previous year's quarter to the current year's quarter. The fire department discontinued the practice of initiating an incident number for every fire pre-plan and checking individual hydrants at the beginning of 2023. This comparison reflects increases in call volume even without the inclusion of the activities stated previously.

Month	2022	2023	% Comparison
October	27	46	70% Increase
November	28	53	89% Increase
December	36	63	72% Increase

Using the ESO report writing system, we can review previous call information to acquire data points for trending analysis. Future data collection helps provide useful information on performance measures and operational deficiencies. This data collection will help in developing operational changes in deployment and staffing.

In **2023**, Malabar Fire Department responded to **589** calls for service. Comparing this number to **2022** (**561** calls for service), you will find that there was a **5% increase** in call volume for the fire department. Increases in call volume will be monitored throughout the year 2024 to begin track trends and additional response deployment needs for service delivery.



## SIGNIFICANT INCIDENTS

Malabar fire department personnel are ready for responses 24-hours a day/7-days a week. In this past quarter our responses included auto-aid assistance to Palm Bay and Grant-Valkaria.

As we respond to each incident, we also reflect and perform an after-action review to ensure we identify any issues that we consider a weakness and develop a plan to become stronger in our abilities to serve the community.



**Structure Fire in Grant-Valkaria. E99 and T99 responded to assist Brevard County with extinguishment of a structure fire.**





**E99 response to an EMS incident at Fisherman's Landing Park in Grant-Valkaria.**



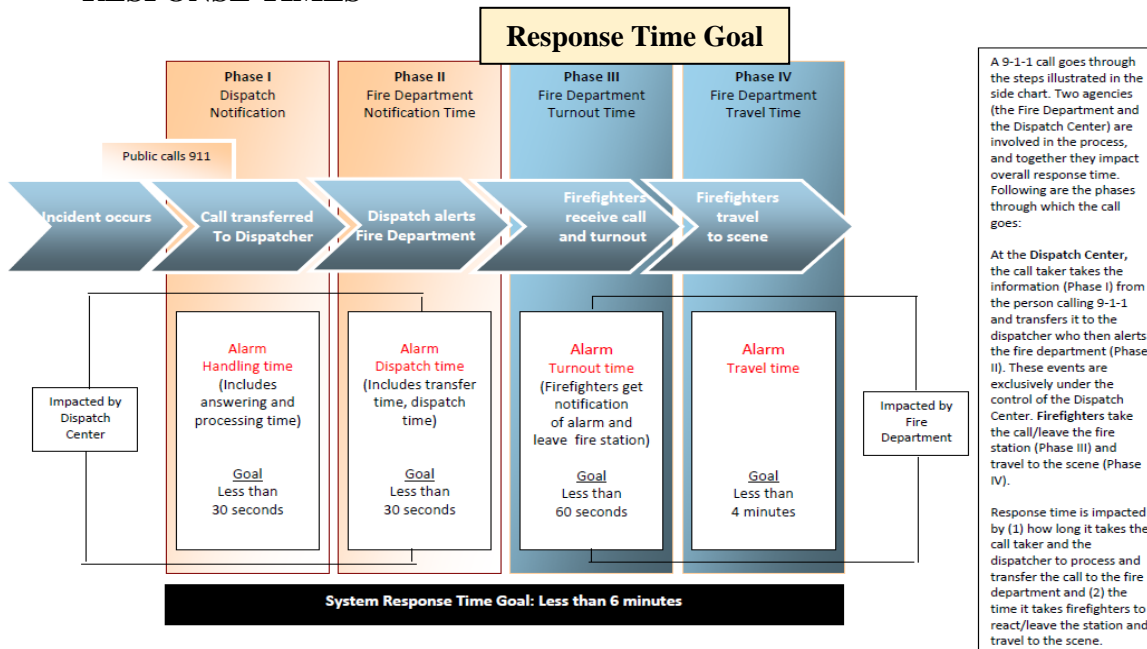
**Response to Assist Palm Bay with a mulch pile fire. The original dispatched location was Convair St and Mercury Ave in Palm Bay. Actual location was property located in the Town of Malabar.**



**Rekindle of Mulch Pile Fire in Malabar.  
B99 and T99 Responded.**



## RESPONSE TIMES



### Response Times for Malabar Fire Department

Turnout Time (Average): **1 minute 36 seconds**

Travel Time (Average): **5 minutes 09 seconds**

Total Response Time: **6 minutes 45 seconds**

Average On Scene Time (mm:ss): **24 Minutes 44 Seconds** (EMS Responses)

Total Personnel Hours on Calls: **317**

The response times noted above are performance measures that help determine if we can find better ways to get onto the engine and get out of the station for our response in a quicker time. The response is dependent on many factors such as distance to location, units assigned (cross staffing) and traffic on the road.

### Total On Scene Time per Unit

Apparatus	October	November	December	Total Minutes	Total Hours
E99	761.12	873.5	1,156.43	<b>2,791.05</b>	<b>46.52</b>
T99	60.78	35.7	0	<b>96.48</b>	<b>1.61</b>
MALF1	0	20.28	0	<b>20.28</b>	<b>0.34</b>
B299	43.2	106.97	19.92	<b>170.09</b>	<b>2.83</b>
B99	0	206.05	45.38	<b>251.43</b>	<b>4.19</b>
SQ99	0	0	0	<b>0.00</b>	<b>0.00</b>
<b>Totals</b>	<b>865.10</b>	<b>1,242.50</b>	<b>1,221.73</b>	<b>3,329.33</b>	<b>55.49</b>



# FLEET REPORT

## Maintenance and Repairs

Unit	PM Due Date	Status	Notes
Fire 1		In Service	Brakes and Tires installed.
E99		Out of Service	Warranty/Recall Work at 10-8 in Sanford.
E299		In Service	
SQ99		In Service	Limited pump capabilities.
T99		In Service	New air dryer installed.
B99		In Service	New Tire Installed.
B299		In Service	
B399		Out of Service	
Light Tower		Out of Service	

## Fuel Usage

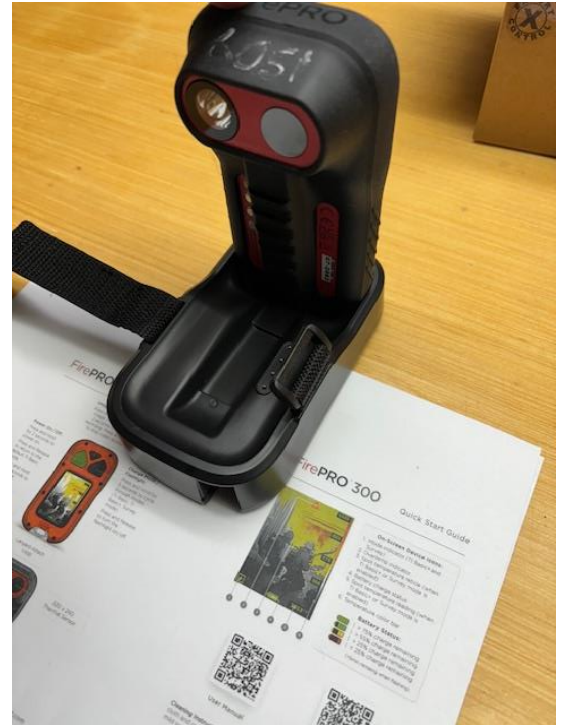
Unit	Brevard Fuel Card ID#	Gallons	Cost
Fire 1	330-0136	79.5 gallons	\$226.60
E99	330-0034	146.2 gallons	\$587.09
E299	Utilize Station Diesel	235.9 gallons	\$834.63
SQ99	330-0030	20.9 gallons	\$76.29
T99	330-0435	53.4 gallons	\$191.25
B99	Utilize Station Diesel/Unleaded		
B299	Utilize Station Diesel/Unleaded		
B399	Utilize Station Diesel/Unleaded		
Station (Diesel)	999-0035		
Station (Unleaded)	330-0299		



In December, the State Division of Forestry retrieved some loaner equipment that was no longer needed. All the equipment was loaded onto a trailer with the assistance from public works personnel. Forestry was appreciative of receiving the equipment back with the intent of Malabar Fire Department being able to acquire equipment in the future. Malabar Fire Department wishes to Thank Malabar Public Works Manager Bobby Johns and his crew for the assistance.



## TRAINING



Malabar Fire Department was given the opportunity to borrow a small Thermal Imaging Camera from Palm Bay Fire Rescue. These smaller personal units were purchased for all Palm Bay fire apparatus SCBA air-packs. As a gesture, Assistant Chief Furci with Palm Bay Fire Rescue allowed Malabar to borrow one of the units to field test. The unit provides thermal imaging pictures for personnel during firefighting activities and low visibility conditions. The camera shows heat signatures and temperature readings as crews advance into a structure fire or other low visibility event. These are very useful for search and rescue operations in a house fire as they will assist crews identify victims' locations as they search each room. They also provide added safety for our firefighting personnel. The Seek Fire Pro 300 camera is priced at \$900, which is significantly cheaper than the bigger handheld models currently being used. More field tests will be conducted with Palm Bay Fire Rescue in the coming months.



## Eastern Florida State College Training

Department members have been taking advantage of a funding opportunity provided by Eastern Florida State College for classes offered locally at the Palm Bay campus. In this past quarter we had 2 members attend the Pump Operator courses.



During the Pump Operator course, Malabar Fire Department was requested to assist in teaching the procedures of pumping involving water tenders. This was a collaborative effort to teach other fire departments on the benefits of using water tenders in rural areas for water supply. This was a great networking opportunity with members of various other fire departments and instructors teaching the course.





## In-House Training

Malabar Fire Department continues to conduct in-house training evolutions as a requirement for ISO training. Along with the ISO training, we continue to train our volunteer members to make sure they maintain proficiency with their firefighting skills.



## PUBLIC EDUCATION

This quarter, Malabar Fire Department personnel facilitated multiple Tours at the fire station and at other locations. Malabar fire personnel also provided Santa Claus for various events in the Town, to include the Town Christmas Tree Lighting ceremony.

**Our D-Shift personnel were invited to participate at Home Depot on Malabar Rd. for a First Responder Breakfast in October.**



**B-Shift crews had a walk in Station tour where the kids were shown the various tools on the engine.**



D-Shift personnel show some children the firefighting hose. They were given a tour of all the apparatus and given fire helmets and coloring books.



On 12/4/23, the Town Christmas Tree lighting event was held at the front of the fire station. Santa Claus arrived by way of the 1930 fire engine with council member Brian Vail driving the engine. Santa's elves assisted in handing out goodie bags to the children.



Crews surprised parents and children at Serene Harbor with a special visit from Santa. Santa and the crew provided gifts for all the children.



Malabar Fire Department personnel continue to promote public education and fire safety topics to our citizens and visitors. Through our outreach events, we deliver safety messages and provide a lasting impression on the children we teach by engaging through interactive tours and providing materials that help deliver our fire safety message.



## STRATEGIC GOALS

Maintain excellent services to the citizens with a focus on our turnout times and response times. Malabar Fire Department personnel are given weekly reports identifying turnout times and response times. Automatic-Aid and response that require dual staffing of units creates a longer response time which is included in the weekly reports. We discuss ways to reduce our turnout time, which is controlled by our actions of getting out of the station in a timely manner. This time is measured by our report writing system and can be measured based on the time of the day. If a call is received at the night period, then personnel must descend the stairs in a safe manner. This creates a delay in turnout.

We will continue the leadership book review assignment to build upon leadership theories and concepts that will benefit all employees of the department for continual professional development.

Continue reviewing, revising, and developing SOGs for the organization. All employees are participating in this endeavor to ensure that the SOGs align with the department operations and staffing.

Continue to review our State Safety Inspection recommendations to ensure we are documenting and aligning with the guidelines for the safety of our personnel.

Work on providing short-term and long-term strategic plans for the fire department.

Malabar Fire Department is being invited to participate in training drills at Palm Bay Fire Recues training building located at Fire Station 5. This training will provide much needed ISO facility training points to further align with continued improvement for operations and personnel development. This collaboration will lead to further training opportunities for our members at a training facility.

We recently sent E99 to Ten-8 in Sanford for much needed repairs and paint issues. We are monitoring the progress periodically to ensure our primary engine is back in service in the town as soon as the work is completed.

The department is moving forward with gathering information and pictures on items slated for surplus on GovDeals. This will alleviate the clutter around the station that was identified in the state safety inspection report. Once the equipment is removed, the funds will be reallocated for newer compliant equipment.



# Town Of Malabar Public Works



**Quarterly Report**

**October – December 2023**



### Mulch Replacement at Malabar Park

This project was done to address a safety issue. It was determined that the depth of the mulch was not sufficient to prevent kids from getting hurt when playing. New mulch was added to all play areas to make it deeper so that it would address the safety issue.



### Assisted the Forestry Division to Load all their Equipment onto Trucks at the Fire Department.

This included many pieces of equipment that is used as FEMA support projects. This included large generators, holding tanks, boats and other miscellaneous items.



### Main Canal Repair on Corey Road Washed Out

The bank of this canal was caving in which caused a big hazard as it would have migrated to Corey Road. We installed concrete boulders to restrict the washout and erosion. We then capped this repair off with several loads of dirt. Another layer of concrete boulders was then added on top as a cap for this to prevent future issues. The canal banks were graded to place seed for a grass covering. This fix will help with erosion in the future. This was one of our biggest jobs this quarter and thanks to our relationship with Cemex we were able to save money by getting most of the repair concrete for free.



After Completed Repairs



Caved-in Canal



Before Caving Into the ditch



### **Malabar Christmas Tree Lighting (Early December 2023)**

We installed a 25-foot Christmas tree complete with lights, garland and other ornaments. This took our entire crew as safety was the focus when working in a lift or crane. We received a lot of wonderful feedback on the appearance of our community tree.



### **Frisbee Park – Footbridge Rebuild**

The old footbridge wood was removed as it was unsafe and falling in. We then replaced all this wood with new synthetic material which will greatly increase the lifespan of this repair. It was determined that it needed a center runner, so we added this to make it more secure. We also added 5 more feet to reduce the approach incline which could cause slipping when raining or wet.



## **Normal Activities on a Monthly basis**

The Public works Department maintains all the parks by keeping them stocked properly and repairing any necessary issues that are identified. We also paint over graffiti where it shows up to keep a professional appearance for citizens. We replace any defective items such as toilet paper holders, mirrors, soap dispensers, and any door functionality. We also must mow all the park grass, right ways and four way stops, and slope mow the ditches and canals.

There have been a few issues with road signs being taken down and left on the ground. This included Stop Signs where it was an immediate safety issue. We go out and make sure the signs are found or replaced and re-installed properly on an emergency basis. There is always a need for removal of Roadkill that can cause accidents.



All the dirt roads in the town are graded to keep on top of potholes and washouts to provide the citizens with the smoothest roads possible.

Park water fountains are refilled weekly to make sure fresh water is available.

## **2024 First Quarter Projects - Public Works Department**

We will be finishing the Weir Street drainage project. This will include digging swales, installing header walls and drain boxes. We then will build new road areas and place sod at the roadsides.

Clean out all vegetation in the canals and ditches to restore proper water drainage in the town on a schedule that we can maintain. Make sure that water flow is going in the proper direction as designed.

There is an on-going need to install road base material on roads to get them back to the proper height and width.

We are going to start cleaning culverts out with a newly designed rig for this purpose. This will allow much better water flow in heavy rains and storms.

Publics Works Equipment we use and maintain.



Grader for dirt Roads



Front Loader



New Slope Mower



Mini Excavator

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 9.d.**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT:** Town Clerk

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### **BACKGROUND/HISTORY:**

On January 23<sup>rd</sup>, the TPO Vision Zero team met for the first 2024 quarterly meeting. The TPO provided updated 2023 statistics. Some notable examples are that serious injury crashes are trending up, 19% involved a bicyclist or pedestrian, 20% involved a motorcycle, and 61% were all others, mostly cars. In the 4-year period of 2018-2022, there were 2,744 killed or injured on Brevard County roadways. The goal of Vision Zero is to get that number to zero.

Other updates included that the “Move Over Law” is now in effect, requiring drivers to move over a lane – when safe to do so – for stopped law enforcement, emergency, sanitation, utility service vehicles tow trucks or wreckers, maintenance, or construction vehicles with displaying warning lights, and any disabled vehicle on the side of the road. If you can’t move over — or when on a two-lane road — slow to a speed that is 20 mph less than the posted speed limit. The City of Palm Bay has also begun their School Zone Enforcement Camera program. The cameras will take a photo of any vehicle traveling at more than 10 MPH over the posted speed limit during school hours and mail a ticket to the vehicle owner.

Vision Zero Staff also prepared an Action Plan Strategies Plan draft for its members review (Attached). They have asked members to provide feedback on areas of importance. Town Staff has selected three items:

1. Increased communication and coordination with FDOT.
2. Include a member of BCSO in the Vision Zero Team, as they are the law enforcement for Malabar, Grant-Valkaria, and other smaller municipalities.
3. Present ideas and suggestions directly to Elected Officials at Public Meetings.

Staff also received notice from Florida Commerce that they did not receive the required Evaluation and Appraisal Notification Letter regarding our Comprehensive Plan. The Comprehensive Plan was most recently updated in 2019, and staff is in the process of rectifying the issue.

Staff is also developing a Frequently Asked Questions form to be posted on the website. The goal is to provide residents and staff a central location to find answers to questions we see from new residents.

### **ATTACHMENTS:**

Vision Zero Action Plan Strategies DRAFT.  
Frequently Asked Questions Sheet

### **ACTION:**

None.

# ACTION PLAN STRATEGIES

## What Happens Next?

The Space Coast TPO has prioritized a set of strategies and actions to make progress toward the goal of eliminating fatal and serious injury crashes.

The objectives also tie back to The Safe System Approach, which considers five elements of a safe transportation system—safe road users, safe vehicles, safe speeds, safe roads, and post-crash care. Achieving zero traffic deaths and serious injuries requires strengthening all five elements.




















The Space Coast TPO is uniquely suited to take on a leadership role as they are positioned to identify regional actions and policies that local governments, FDOT, and other regional partners can implement to reach zero traffic-related deaths and serious injuries for people in vehicles, walking, bicycling, and on motorcycles.

### THE SAFE SYSTEM APPROACH TO A SUCCESSFUL PROGRAM



The Space Coast TPO has created seven objectives. The seven objectives include actions, initiatives, sub-actions, timelines, and how the Space Coast TPO will track the progress of the objective in more detail on the following pages.

The timeline for implementation is broken into Immediate (6 Month), Near-Term (1 Year), Long-Term (2-5 Years), and Annually (once a year).

Objective	The Safe System Approach
✓ 1. Facilitate Collaboration between Allied Agencies	  
2. Increase Awareness of the Vision Zero Program, Objectives, and Actions <i>social media</i>	  
3. Improve Data Collection and Reporting	  
4. Encourage and Support the Implementation of Proven Safety Countermeasures and People-First Roadway Design	  
5. Identify Funding Opportunities and Resources for Transportation Safety Projects	 
6. Increase Support of Transportation Safety Legislation and Policy	   
7. Educate Road Users on the Relationship between Individual Behaviors and Crashes	



# 1. Facilitate Collaboration between Allied Agencies

Tracking Progress	Action #	Initiatives	Sub-Action #	Sub-Actions	Timeline
1) Number of allied agencies and organizations actively participating in regional Vision Zero Leadership Team  2) Number of informational sessions hosted for community partners by Space Coast TPO  3) Number of meetings/sessions attended	1.1	Expand and diversify existing regional Vision Zero Leadership Team by adding new members representing law enforcement, public health, and technical staff.			Near-Term
	1.2	Host Vision Zero Leadership Team meetings to share updates on crash data, resources, current activities, policy, funding opportunities, and other relevant safety information.			Annually
	1.3	Participate in relevant regional/statewide coalition, committee, and community meetings to advance the Space Coast TPO's Vision Zero priorities and collaborate on transportation safety efforts.			Annually
	1.4	Coordinate informational sessions to address implementation challenges identified by the Vision Zero Leadership Team, community partners, and/or stakeholders.			Annually
	1.5	Participate in webinars/trainings/etc. to stay informed on the latest best practices and updates as they relate to Vision Zero and the safety practice as a whole.			Annually



## 2. Increase Awareness of the Vision Zero Program, Objectives, and Actions

Tracking Progress	Action #	Initiatives	Sub-Action #	Sub-Actions	Timeline
<p>1) Number of visits to online, Space Coast TPO-hosted Vision Zero resources</p> <p>2) Number of local governments that incorporate Vision Zero language into their own planning documents</p> <p>3) Publication of local High Injury Network data</p> <p>4) Publication of updated Vision Zero Toolkit</p>	2.1	Incorporate Vision Zero program into existing Space Coast TPO actions and messaging.	2.1.1	Include Vision Zero branding on transportation safety materials and messages.	Annually
	2.1.2	Promote Vision Zero branding messaging that can be included in Space Coast TPO press releases, digital campaigns, etc.	Annually		
	2.1.3	Develop standard Vision Zero language that municipalities can incorporate into their own planning documents (like Comprehensive Plans).	Immediate		
	2.1.4	Maintain a public Vision Zero webpage with information, resources, trainings, and educational opportunities.	Annually		
	2.1.5	Develop a community of partner agencies (in communities most impacted by the High Injury Network) to disseminate safety and educational messages via a "grassroots" effort.	Annually		
	2.1.6	Engage with local decision-makers and system-designers about the importance of incorporating Vision Zero into policy and people-first roadway design.	Annually		
	2.2	Encourage and support local municipalities in developing their own Vision Zero Action Plans.	2.2.1	Update Vision Zero Toolkit resource to meet SS4A guidelines so municipalities can apply for Grant Funding.	Immediate
	2.2.2	Provide municipalities with updated High Injury Network data on an annual basis.	Annually		





### 3. Improve Data Collection and Reporting

Tracking Progress	Action #	Initiatives	Sub-Action #	Sub-Actions	Timeline
1) Presentation of annual report	3.1	Maintain High Injury Network data on the State of the System Dashboard.			Annually
	3.2	Update High Injury Network data annually as part of State of the System reporting.			Annually
2) Annual State of the System Dashboard update	3.3	Produce annual Vision Zero report to track progress and update proposed actions. Present update to Space Coast TPO Board, Committees, and other interested groups.			Annually

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## 4. Encourage and Support the Implementation of Proven Safety Countermeasures and People-First Roadway Design

Tracking Progress	Action	Initiatives	Sub-Action #	Sub-Actions	Timeline
	4.1	For upcoming resurfacing projects, continue identifying opportunities to incorporate Complete Street elements and advance Vision Zero objectives/actions. Add projects to the List of Project Priorities as needed.			Annually
	4.2	Complete a Speed Management Study using vehicular speed and crash data to identify a Critical Speed Management Network. This network should be the focus of potential traffic calming-type countermeasures.			Long-Term
1) Number of projects reviewed	4.3	Conduct a Lighting Screening Study on corridors where dark/unlit conditions are an observed crash to identify potential solutions. The initial focus should be on the High Injury Network but could be expanded to other corridors where lack of lighting would be deemed a risk factor for crashes.			Long-Term
2) Number of studies completed			4.4.1	Develop and provide a resource guide for low-cost, high-impact countermeasures to local partners.	Near-Term
3) Publication of countermeasure resource guide	4.4	Encourage and support the use of low-cost, high-impact countermeasures and quick-build demonstrations to facilitate near-term safety improvements.	4.4.2	Develop educational materials for quick-build demonstration best practices and share with local partners.	Near-Term
4) Number of school access meetings attended	4.5	Participate in Safe School Access Team meetings and attend field reviews/provide recommendations for school route concerns.			Annually
5) Number of evaluations completed post-construction	4.6	During reviews of other municipalities' plans, encourage support for land use, transportation demand management (TDM), and street design policies that support multimodal travel, reducing vehicle miles traveled (VMT) and dependence on single-occupancy vehicle trips.			Annually
	4.7	Provide technical support for School Routes Analyses (e.g., perform field reviews and provide recommendations) and Safe Routes to School Grants (e.g., student travel surveys, concept development, cost estimating, demographic analysis).			Annually
	4.8	Evaluate effectiveness of safety projects implemented in the County after construction is completed.			Long-Term



Safe Roads



Safe Speeds

## 5. Identify Funding Opportunities and Resources for Transportation Safety Projects

Tracking Progress	Action	Initiatives	Sub-Action #	Sub-Actions	Timeline
1) Number of projects prioritized	5.1	Prioritize projects from the List of Targeted Safety Corridors in the annual update to the Space Coast TPO List of Project Priorities (LoPP).			Annually
	5.2	Identify funding sources based on project type (e.g., Safe Streets for All (SS4A), Safe Routes to School (SRTS), etc.).			Immediate
2) Number of grant applications supported	5.3	Support municipalities in obtaining grant funding for safety projects.			Near-Term



Safe Roads



Safe Vehicles



Safe Speeds



Safe Road Users

## 6. Increase Support of Transportation Safety Legislation and Policy

Tracking Progress	Action	Initiatives	Sub-Action #	Sub-Actions	Timeline
1) Publication of legislative priorities with safety items included	6.1	Include safety changes in Space Coast TPO legislative priorities and policy positions.			Annually
2) Number of meetings attended	6.2	Identify top three safety priorities and educate on legislation and policy to advance the initiatives at the state and local level.			Annually



## 7. Educate Road Users on the Relationship between Individual Behaviors and Crashes

Tracking Progress	Action	Initiatives	Sub-Action #	Sub-Actions	Timeline
	7.1	Develop and implement education and outreach campaigns focused on safety.		Develop an education program to encourage safer driving behaviors for employees commuting to work and driving for work, identifying and leveraging existing partnerships with current employee benefits groups (e.g., wellness programs, commuter assistance programs, etc.) at major employer sites along the High Injury Network.	Near-Term
1) Number of partnerships secured			7.1.1		
2) Number of outreach events/presentations supported and hosted			7.1.2	Encourage Brevard Public Schools to utilize existing educational materials to promote safe walking, biking, and driving in elementary, middle, and high schools.	Near-Term
3) Number of HVEs supported			7.1.3	Coordinate and support the distribution of free safety materials and resources (e.g., bicycle helmets, bicycle lights, reflective wear, etc.) in communities along the High Injury Network.	Immediate
			7.1.4	Work with FDOT and local partners to develop and disseminate consistent educational messaging in support of new roadway designs, installations, and technologies (e.g., diverging diamond interchange, displaced left turn intersections, Autonomous, Connected, and Electric vehicles, etc.).	Near-Term
	7.2	Coordinate with law enforcement agencies to conduct high-visibility education and enforcement operations along High Injury Network corridors.			Near-Term

# Welcome to the Town of Malabar!

## Getting to Know Your Town and its Elected Officials

Q: How do I know what my Town Council and Committees are doing?

A: The Town of Malabar's website, [www.townofmalabar.org](http://www.townofmalabar.org), is the repository for all agendas and minutes for our Town Council and Boards. You can check the past minutes or look at the agenda for an upcoming meeting!

[Follow this link to view the Town's minutes and agendas!](#)

Q: How can I stay up to date on current events in Town?

A: There are two easy and effective ways to stay up to date on Town events. The first is to follow the Town of Facebook! The second is to subscribe for updates on the Town's website. You can select to receive email updates on items such as agenda uploads, newsletter publishing, or news and announcements.

[Follow this link to view the Town's Facebook page!](#)

[Follow this link to subscribe for email notifications from the Town's website!](#)

Q: How can I follow Town Meetings without attending in person at Town Hall?

A: Yes! The day after our Council, Board and Committee meetings, the audio for the meeting is uploaded to the Town's free SoundCloud account.

[Follow this link to listen to past Town meetings!](#)

Q: Where can I go to get outdoors in Malabar?

A: The Town of Malabar has several Parks, Preserves and Sanctuaries located in Town. The Town of Malabar owns and maintains Malabar Community Park, Malabar Disc Golf Sanctuary, the Cameron Preserve, the Sandhill Crane Trailhead, and Eschenberg Memorial Park. The Town is also in the process of developing an equestrian trailhead, Eagles Nest Trailhead, on South Marie Street. Brevard County owns and maintains the Malabar Scrub Sanctuary and the Jordan Scrub Sanctuary.

[Follow this link for more information about the Parks and Recreation areas in Malabar!](#)

Q: How can I get more involved in the Town of Malabar?

A: There are several ways someone can get more involved in the Town of Malabar! The easiest way would be to attend Town Meetings. If any of the Boards or Committees are of interest to you, you can apply for membership! Currently, the Board of Adjustment, Parks and Recreation Committee, Planning and Zoning Board, and the Trails and Greenways Committee all have vacant positions. Anyone who has been a Malabar resident for more than 6 months is encouraged to apply!

[Follow this link to check the Town Calendar for upcoming meetings!](#)

[Follow this link to view the Town Boards and Committees!](#)

Q: Do I need a Business Tax Receipt (BTR) to operate a home business in Malabar?

*A: Yes, per Chapter 14, Article II of the Town Code, states: "No person shall engage in the activities for which a business tax receipt is required without first procuring a business tax receipt from the town, and, before issuance of such business tax receipt, paying the amount of the fee required for any business as provided herein."*

[Follow this link to review the Town Code relating to BTRs!](#)

[Follow this link to apply for a BTR today!](#)

### **How do I request Services or Assistance from the Town?**

Q: Can I request my road be graded and filled?

*A: Yes, you may call our office to submit a request at 321-727-7764 or submit your request on the Public Works page on our website using the Service Request Form.*

[Follow this link to create a Service Request Form!](#)

Q: What is permitted on this parcel of land?

*A: On the Helpful Links page on our website is a link to Malabar Municipal Code. This link will take you to our Town code so that you can easily search for information about zoning and land-use by district. If you have questions about what zoning your parcel is, you can go to the Building Department page and use the Malabar Zoning Maps to type in your address.*

[Follow this link to read about the Town of Malabar Zoning Codes!](#)

[Follow this link to use the Town of Malabar's interactive Zoning Map!](#)

Q: Who do I contact about animal concerns?

*A: If you have an animal concern, please contact Brevard Animal Control at 321-633-2024, or [visit their webpage here](#).*

Q: How do I set up waste services as a resident in Malabar?

*A: Waste Pro provides waste services for the Town of Malabar. Residents can request service and new bins on Waste Pro's website at <https://www.wasteprousa.com/malabar/>. You can also request bulk pickups for debris and report missed pickups on their website.*

[Follow this link to learn more about the Town of Malabar's Waste Service Contract!](#)

### **Building and Permitting Questions.**

Q: How do I apply for a building permit?

*A: Go to the Building Department page on the Town of Malabar website and click on "To Apply or Pay for a building permit". Under the section "Building Permit Application" click on "Building Permit" and you can create your application from there.*

[Follow this link to complete your Building Permit today!](#)

Q: What is the process for approval of a building permit and how long does it take?

*A: Once the permit application has been submitted, it will be reviewed by our Building Official (Tuesdays & Thursdays). The state requires that we distribute permits within 30 days as long as we have all of the required documents, and the permit is paid for. If all the required documents from the applicant are submitted, it can take as little as 7 to 10 days to be approved.*

Q. Can I park an RV on my property while my house is under construction?

*A: Per Malabar Land Development Code Article V, Section 1-5.15. - Parking, storage, or use of major recreational equipment.*

*Mobile homes or other mobile equipment or structures used temporarily in connection with construction, used as a dwelling, office or sales room may be located temporarily in all districts only after the release of a building permit and during the period of construction activity, under a temporary zoning permit, provided however, said trailer must be removed within ten (10) days after completion of construction.*

[Follow this link to review the Town Code relating to the parking, storage, or use of major recreational equipment!](#)

Q: How do I gain access to my property / improve the road to my property?

*A: The property owner must submit a Road Improvement Application, and all required supporting documentation listed on the application, and improve the roadway in accordance with the Road Improvement Technical Provisions and Road Building Procedures and Regulations.*

[Follow this link to review the Road Improvement Codes and Applications!](#)

Q: How do I request an inspection online?

*A: Go to the Building Department page on the Town of Malabar website and click on "To Apply or Pay for a building permit". Once the page loads click on the magnifying glass and search for your permit. Once you have found your permit click on "Request an Inspection" and proceed to fill out the text boxes with the proper information. Please keep in mind that our inspectors are only available on Tuesdays and Thursdays.*

[Follow this link to search open and past building permits!](#)

Q: Do I need a permit to replace an existing fence?

A: Yes, per Article V - Sec. 1-5.8. - Fences, walls and entranceways and related structures.

*(g) Permit required for fence, wall, entranceway, and related structures. No fence, wall, entranceway or related structure shall be constructed, erected, replaced or altered between abutting parcels unless a permit therefore has been obtained from the Town by the owner of the property on which such fence or wall is to be located, or by some other person duly authorized by such owner. The application for such a permit shall be on a form provided by the Building Official and shall be accompanied by drawings showing the proposed location of and the specifications for the type of construction. The Building Official shall deny a permit if he believes the proposed structure creates a threat to health or safety. Unless requested otherwise by the applicant, denial of a permit shall create an automatic appeal to the Town Council after consideration and recommendation by the Planning and Zoning Board. Permits are not required for periodic repair and maintenance of an existing fence or wall.*

[Follow this link to complete your Building Permit today!](#)

Q: Do I need a permit to replace the roof on an existing carport/shed?

A: Per Code of Ordinances Chapter 6, Sec. 6-4. - Modification of codes; permits required; applications; plans.

*(b) Permits required: No building, structure, or component thereof regulated by the town shall be erected, moved, added to, or altered without a permit therefore, issued by the building official. No permit shall be issued except in conformity with the provisions of this chapter, except after a written order from the board of adjustment in the form of administrative review, special exception or variance as provided by this chapter.*

*The issuance of a permit based upon plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or preventing the building operations being carried on there under when in violation of this chapter, or any town ordinance or applicable law enforced by the building official.*

[Follow this link to complete your Building Permit today!](#)

Q: What is an Access Code and how do I get one?

A: The access code is prompted when you are interacting in specific ways in the online portal. Under the text box labeled "Access Code", click on the link to have it sent to the email that we have been provided on file.

Q: As a contractor, how do I register with the Town of Malabar and how much does it cost?

A: You can register with us by submitting a Building Permit. Fill out all the required fields in the building permit application with the contractor's information. (Under Class of Work, choose **CONT-Contractor Registration**) Fill out the [Contractor Registration Form](#) and upload it with the rest of the required paperwork (business tax receipt, general liability, workers comp and, business license). Once the application has been processed, you will be contacted for payment. The registration fee of \$40 is a one-



*time payment. If there are any updates needed to be made or new/updated forms to be submitted, you can send them to the building department's Permit Technician Lindsey Wilson at [lwilson@townofmalabar.org](mailto:lwilson@townofmalabar.org).*

Q: How do I upload documents for my permit after I have already submitted the permit application?

*A: Go to the Building Department page on the Town of Malabar website and click on "To Apply or Pay for a building permit". Once the page loads click on the magnifying glass and search for your permit. Click on "View" and scroll down to the bottom of the page. There you can click the button "Choose Files" to add all the necessary files you want to add.*

[Follow this link to search open and past building permits!](#)

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 13.a.**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Request for Parcel 29-37-03-01-\* -1.01 to contract or deannex property from the Town of Malabar**

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### **BACKGROUND/HISTORY:**

A request by J. Wesley Mills P.E. on behalf of the property owners to contract or deannex the properties described in the attached deeds from the Town of Malabar.

F.S. 171.051 governs the process for a contraction or deannexation of property from a municipality. Mr. Mills on behalf of the owner, has requested such a contraction or deannexation. The council is required by statute to immediately undertake a study of the feasibility of such proposal and shall, within 6 months, either initiate proceedings to adopt an ordinance for contraction or deannexation or reject the petition, specifically stating the facts upon which the rejection is based.

The statute does not provide any guidance regarding who conducts the feasibility study; however, the Town Attorney advises that town staff may perform the study taking into consideration the following statutory criteria:

1. Does the area in question meet the criteria for annexation set forth in s. 171.043 (property which fits the requirements of s. 171.043, F.S., may not be excluded from a municipality)
2. If the area proposed to be excluded does not meet the criteria of F.S. 171.043, but such exclusion would result in a portion of the municipality becoming noncontiguous with the rest of the municipality, then such exclusion shall not be allowed.

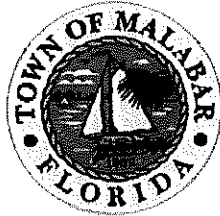
Mr. Mills has provided payment, per the Town's Fee Resolution, for Requests for Council Action on an item not specifically provided for in the administrative fee schedule regarding matters of land development.

### **ATTACHMENTS:**

- a. Agenda Item Request Form submitted by Mr. Mills requesting deannexation.
- b. Copy of Deed for property.
- c. Map of the area
- d. Copy of F.S. 171.043 - Character of the area to be annexed.

### **ACTION:**

- a. Motion to direct Staff to undertake a study of the feasibility of such proposal.



**AGENDA ITEM REQUEST FORM  
MALABAR TOWN COUNCIL**

Please mail completed form to:

Town of Malabar  
2725 Malabar Road  
Malabar, Florida 32950

NAME: Thomas R. Fiocchi Trust & John D. Fiocchi

ADDRESS: 1322 13th Terrace Palm Beach Gardens, FL 33418

TELEPHONE: 321-287-8858  
(Home)

772-226-7282  
(Business)

**Please state the item you wish to have placed on the Town Council Agenda.**

This request is for consideration to deannex Parcel 29-37-03-01-\* -1.01 from the City of Malabar.

**Please summarize pertinent information concerning your requested Agenda item and attach applicable documents.**

The proposed request is in an effort to seek flexibility in future development of the site.

**Please state desired action by Town Council.**

The desired action by Town Council is approval.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

12-14-2022

PREPARED BY AND RETURN TO:

David C. Tassell, Esq.  
JOSEPH C. KEMPE, P.A.  
941 North Highway A1A  
Jupiter, Florida 33477

Parcel ID: 29-37-03-01-00000.0-0001.01.

**WARRANTY DEED**  
**THIS DEED PREPARED WITHOUT THE BENEFIT OF A TITLE EXAM**

THIS WARRANTY DEED made this 6 day of August, 2019, by Thomas R. Fiocchi, a single man, as to a sixty percent (60%) ownership interest, whose address is 1322 13th Terrace, Palm Beach Gardens, FL 33418, hereinafter called the Grantor, to Thomas Fiocchi, as Trustee of the Declaration of Trust of Thomas Fiocchi dated May 23, 2019, with the full power and authority to protect, conserve, sell and convey, or to lease, or to encumber, or otherwise to manage and dispose of the real property described in this deed, whose address is 1322 13th Terrace, Palm Beach Gardens, FL 33418, hereinafter called the Grantee(s):

(Wherever used herein the terms "Grantor(s)" and "Grantee(s)" include all the parties to this instrument and the heirs; local representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH that said Grantor(s), for and in consideration of the sum of Ten (\$10.00) Dollars, and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee(s) all of Grantor's interest in that certain land situate in Brevard County, Florida, viz:

**Legal Description**

**THE WEST 1/2 LOT 1, RESUBDIVISION OF FLORADORA PINES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLATBOOK 8, PAGE 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.**

Parcel ID: 29-37-03-01-00000.0-0001.01.

**SUBJECT TO:**

1. Taxes 2019 and all subsequent years;
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions, and matters appearing on the plat or otherwise common to the condominium; and
4. Public utility easements of record, if any.

Grantor acknowledges that the subject property does not constitute the Grantor's homestead and is not contiguous to the homestead of the Grantor, and that the homestead of the Grantor is located at 1322 13th Terrace, Palm Beach Gardens, FL 33418.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2018.

IN WITNESS WHEREOF, the said Grantor(s) has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

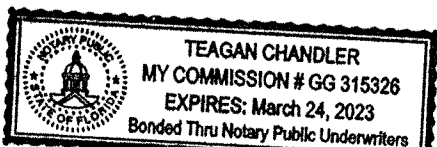
Sonya Mochejova  
Print Name: Sonya Mochejova

Thomas R. Fiocchi  
Thomas R. Fiocchi, Grantor

Teagan Chandler  
Print Name: Teagan Chandler

STATE OF FLORIDA )  
COUNTY OF PALM BEACH )

The foregoing instrument was acknowledged before me this 6 day of August, 2019, by Thomas R. Fiocchi, [ ] who are personally known to me, [ ] who have produced FL DL as identification.



Teagan Chandler  
Notary Public

AGENT/APPLICANT'S AFFIDAVIT

STATE OF FLORIDA,  
BREVARD COUNTY,  
CITY OF MALABAR &  
CITY OF PALM BAY

BEFORE ME, the undersigned authority personally appeared JOHN D. FIOCCHI  
who being by me first duly sworn on oath, deposes and states:

1. That they Affirm and Certify they understand and will comply with all Ordinances, Regulations, and Provisions of the City of Palm Bay, Florida and that all statements and diagrams submitted herewith and attached hereto, are true and accurate to the best of their knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Palm Bay, Florida, and are **Not Returnable**.
2. That they desire the City of Palm Bay grant approvals for the use of the property as proposed for the property which is legally described on this Application.
3. That the submittal requirements for this Application, which are attached hereto, have been completed and attached hereto as part of this Application.

John D. Fiocchi  
(Agent/Applicant's Signature)

STATE OF FLORIDA,  
BREVARD COUNTY  
CITY OF MALABAR &  
CITY OF PALM BAY

The foregoing instrument was acknowledged before me this 8 day of August, 2022, by John David Fiocchi, who is personally known to me or who has produced FDL 55-183-0 as identification.

(SEAL) [Signature]  
Notary Public (Signature)

Notary Public State of Florida  
Sandra Duarte  
My Commission GG 278770  
Expires 11/25/2022

Sandra Duarte  
Print or type Notary Name

Commission (serial) Number 69 278770

My Commission Expires: 11/25/22

County of Brevard

OWNER'S AFFIDAVIT  
REGARDING REQUEST FOR  
LAND APPROVALS AND  
DEVELOPMENT

STATE OF FLORIDA,  
BREVARD COUNTY  
CITY OF MALABAR &  
CITY OF PALM BAY

BEFORE ME, the undersigned authority personally appeared JOHN D FIOCCHI, who being by me first duly sworn on oath, deposes and states:

1. That they are the/a fee-simple owner of the property legally described in the attachment to this Application, and/or have the legal authority to execute this document as an owner or authorized officer of the non-individual owner-trust named: THOMAS FIOCCHI TRUST; FIOCCHI, JOHN D.
2. That said Applicant desires the approval of the City of Malabar & the City Palm Bay, Florida to accomplish the above desired Request, as stated on Page 1 of this Application.
3. That said Applicant has appointed LEGACY-MALABAR, LLC to act as Agent and/or Applicant in their behalf to accomplish the above.

  
(Owner's Signature)

The foregoing instrument was acknowledged before me this 8 day of August, 2022, by John David Focchi, who is personally known to me or who has produced FDL 55-183-0 as identification.



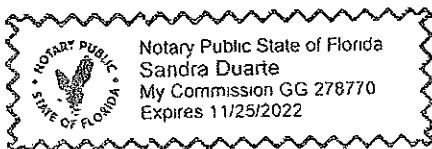
Notary Public (Signature)

Sandra Duarte  
Print or type Notary Name

Commission (serial) Number 69 278770

My Commission Expires: 11/25/22

(SEAL)



**OWNER'S AFFIDAVIT  
REGARDING REQUEST FOR  
LAND APPROVALS AND  
DEVELOPMENT**

**STATE OF FLORIDA,  
BREVARD COUNTY  
CITY OF MALABAR &  
CITY OF PALM BAY**

BEFORE ME, the undersigned authority personally appeared THOMAS FIOCCHI, who being by me first duly sworn on oath, deposes and states:

1. That they are the/a fee-simple owner of the property legally described in the attachment to this Application, and/or have the legal authority to execute this document as an owner or authorized officer of the non-individual owner-trust named: THOMAS FIOCCHI TRUST; FIOCCHI, JOHN D.
2. That said Applicant desires the approval of the City of Malabar & the City Palm Bay, Florida to accomplish the above desired Request, as stated on Page 1 of this Application.
3. That said Applicant has appointed LEGACY-MALABAR, LLC to act as Agent and/or Applicant in their behalf to accomplish the above.

  
(Owner's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

*See attached*

\_\_\_\_\_  
Notary Public (Signature)

(SEAL)

\_\_\_\_\_  
Print or type Notary Name

Commission (serial) Number \_\_\_\_\_

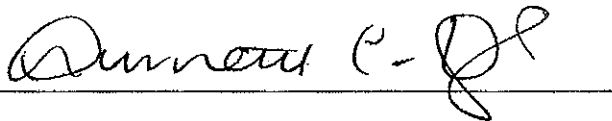
My Commission Expires: \_\_\_\_\_

State of Florida Acknowledgement Notary Certificate

STATE OF FLORIDA  
COUNTY OF Martin

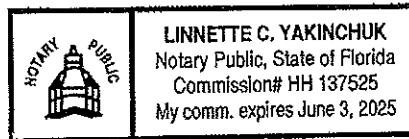
On August 9, 2022, before me, Linnette C Yakinchuk, a notary public, personally appeared by physical presence, Thomas Fiocchi who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached Owner's Affidavit Regarding Request for Land Approvals and Development [name of document] instrument and acknowledged to me that that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State listed above that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Personally known            OR  
Produced identification X Type of identification produced: FL Drivers License



*(Signature of notary public)*

My commission expires: June 3, 2025



Official Seal

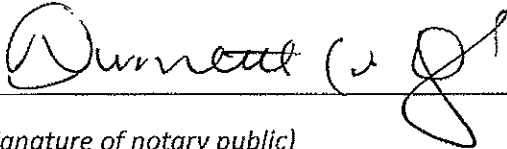


State of Florida Acknowledgement Notary Certificate

STATE OF FLORIDA  
COUNTY OF Martin

On August 9, 2022, before me, Linnette C Yakinchuk, a notary public, personally appeared by physical presence, Thomas Fiocchi who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the attached Agent/Applicant's Affidavit [name of document] instrument and acknowledged to me that that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State listed above that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Personally known            OR  
Produced identification X Type of identification produced: FL Drivers License

  
\_\_\_\_\_  
(Signature of notary public)

My commission expires: June 3, 2025



Official Seal

AGENT/APPLICANT'S AFFIDAVIT

STATE OF FLORIDA,  
BREVARD COUNTY,  
CITY OF MALABAR &  
CITY OF PALM BAY

BEFORE ME, the undersigned authority personally appeared \_\_\_\_\_ THOMAS FIOCCHI \_\_\_\_\_  
who being by me first duly sworn on oath, deposes and states:

1. That they Affirm and Certify they understand and will comply with all Ordinances, Regulations, and Provisions of the City of Palm Bay, Florida and that all statements and diagrams submitted herewith and attached hereto, are true and accurate to the best of their knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Palm Bay, Florida, and are **Not Returnable**.
2. That they desire the City of Palm Bay grant approvals for the use of the property as proposed for the property which is legally described on this Application.
3. That the submittal requirements for this Application, which are attached hereto, have been completed and attached hereto as part of this Application.

  
(Agent/Applicant's Signature)

STATE OF FLORIDA,  
BREVARD COUNTY  
CITY OF MALABAR &  
CITY OF PALM BAY

*Self-attached*

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

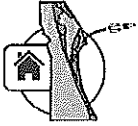
(SEAL) \_\_\_\_\_  
Notary Public (Signature)

\_\_\_\_\_  
Print or type Notary Name

Commission (serial) Number \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

County of Brevard



# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

## PROPERTY DETAILS

Account 2922778  
 Owners THOMAS FIOCCHI TRUST; FIOCCHI, JOHN D  
 Mailing Address 1322 13TH TER PALM BEACH GARDENS FL 33418  
 Site Address NONE  
 Parcel ID 29-37-03-01-\* -1.01  
 Property Use 6100 - GRAZING LAND - SOIL CAPABILITY CLASS II - VACANT  
 Exemptions NONE  
 Taxing District 34Z0 - MALABAR  
 Total Acres 9.75  
 Subdivision FLORADORA PINES, RESUBD OF  
 Site Code 0381 - MALABAR RD (SR514)  
 Plat Book/Page 0008/0016  
 Land Description FLORADORA PINES, RESUBD OF W 1/2 OF LOT 1 EX ST RD 514



## VALUE SUMMARY

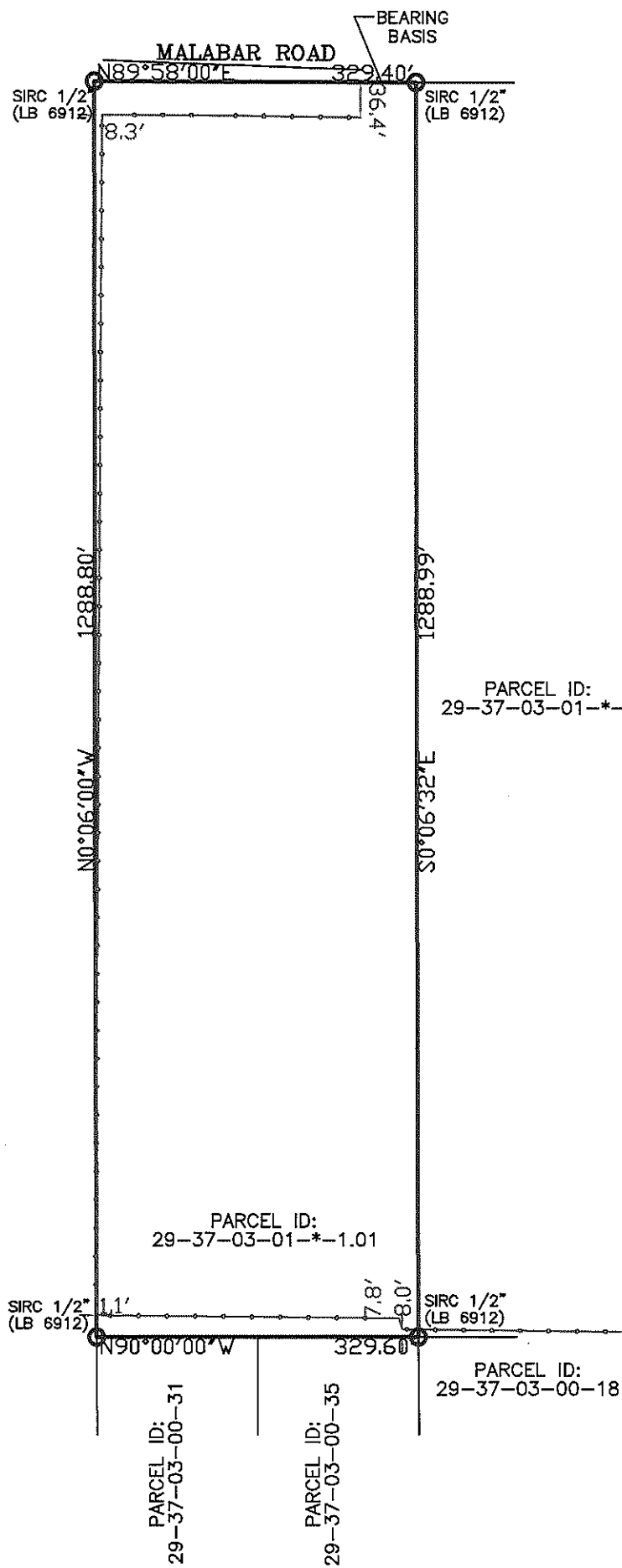
Category	2022	2021	2020
Market Value	\$648,070	\$594,520	\$581,220
Agricultural Land Value	\$1,460	\$1,460	\$1,460
Assessed Value Non-School	\$1,460	\$1,460	\$1,460
Assessed Value School	\$1,460	\$1,460	\$1,460
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$1,460	\$1,460	\$1,460
Taxable Value School	\$1,460	\$1,460	\$1,460

## SALES/TRANSFERS

Date	Price	Type	Instrument
08/06/2019	--	WD	8538/0680
01/17/2014	--	TD	7051/0617
01/04/2013	--	QC	6793/0500
02/28/2011	--	QC	6342/2990
03/09/1972	\$19,000	WD	1233/0420

No Data Found

MAP OF BOUNDARY SURVEY PREPARED FOR BUILD R.E.I., LLC



**SURVEYOR'S LEGEND**  
 AC = AIR CONDITIONING  
 BK = BLOCK  
 BM = BENCHMARK  
 C = CURVE  
 CATY = CABLE T.V. RISER  
 CB = CATCH BASIN  
 CL = CENTERLINE  
 CONC = CONCRETE  
 CPP = CONCRETE POWER POLE  
 D = DEED  
 DF = DRAINFIELD  
 ELEV = ELEVATION  
 F = FIELD  
 FCM = FOUND CONCRETE MONUMENT  
 FDH = FOUND DRILL HOLE  
 FFE = FINISHED FLOOR ELEVATION  
 FIP = FOUND IRON PIPE  
 FIR = FOUND IRON ROD  
 FIR2 = FOUND IRON ROD AND CAP  
 FN = FOUND NAIL  
 FNAD = FOUND NAIL AND DISC  
 FPK = FOUND PK NAIL  
 FPKD = FOUND PK NAIL AND DISC  
 FRKSPK = FOUND RAILROAD SPIKE  
 HYD = FIRE HYDRANT  
 ID = IDENTIFICATION  
 LB = LICENSED BUSINESS  
 LS = LICENSED SURVEYOR

M = MEASURED  
 MH = MANHOLE  
 OHW = OVERHEAD WIRES  
 P = PLAT  
 PB = PLAT BOOK  
 PC = POINT OF CURVATURE  
 PCP = PERMANENT CONTROL POINT  
 POB = POINT OF BEGINNING  
 POC = POINT OF COMMENCEMENT  
 PP = POOL PUMP  
 PRD = POINT OF REVERSE CURVATURE  
 PRM = PERMANENT REFERENCE MONUMENT  
 PT = POINT OF TANGENCY  
 R = RADIUS  
 RNG = RANGE  
 RW = RIGHT OF WAY  
 S = SEPTIC  
 SEC = SECTION  
 SIR = SET IRON ROD AND CAP  
 SPKD = SET PK NAIL AND DISC  
 SV = SEWER VALVE  
 TBM = TEMPORARY BENCHMARK  
 TOB = TOP OF BANK  
 TWP = TOWNSHIP  
 TR = TELEPHONE RISER  
 TYP = TYPICAL  
 WLP = WOOD LIGHT POLE  
 WM = WATER METER  
 WPP = WOOD POWER POLE  
 WV = WATER VALVE

**LINETYPES**  
 ——— = BOUNDARY LINE  
 ——— = STRUCTURE LINE  
 ——— = CENTERLINE  
 - - - - = EASEMENT LINE  
 - - - - = FENCE LINE  
 - - - - = OLD LOT LINE

**SYMBOLS**

**NOTABLE CONDITIONS:**  
 PROPERTY APPEARS TO BE SERVICED BY PUBLIC UTILITIES.

**NOTES:**  
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.  
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE NORTHERLY PROPERTY LINE OF THE PARCEL.  
 ALL ELEVATIONS SHOWN ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88).

**PROPERTY ADDRESS:**  
 000 MALABAR ROAD, MALABAR FL 32950  
 (PARCEL ID #29-37-03-01-1.01)

**FLOOD INFORMATION:**  
 PANEL NUMBER: 12009C0680G  
 FIRM DATE: MARCH 17, 2014  
 FLOOD ZONE: X  
 BASE FLOOD ELEVATION: NA  
 COMMUNITY NAME: MALABAR, TOWN OF  
 COMMUNITY NUMBER: 120024

**LEGAL DESCRIPTION:**  
 THE WEST 1/2 OF LOT 1, RESUBDIVISION OF FLORADORA PINES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE(S) 16, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**SURVEYOR'S NOTES**  
 1. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED, TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.  
 2. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.  
 3. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.  
 4. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 5. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.  
 6. PROPERTY LINES AND IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.  
 7. CALCULATED LINES AND INFORMATION IS NOTED BY (C).  
 8. THIS SURVEY MEETS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.  
 9. THIS SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE RECORDS AND OR SECTION CORNER RECORDS IF APPLICABLE.  
 10. THIS SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE RECORDS AND OR SECTION CORNER RECORDS IF APPLICABLE.  
 11. ONLY A DIGITAL SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL ARCHIVED BY THE SURVEYOR'S PORT FILE.

**NORTH ARROW & GRAPHIC SCALE**

1" = 200'

**CERTIFIED TO:**  
 THOMAS FIOCCHI, AS TRUSTEE OF THE DECLARATION OF TRUST OF THOMAS FIOCCHI DATED MAY 23, 2019.  
 JOHN D. FIOCCHI  
 BUILD R.E.I., LLC

**SURVEYOR'S CERTIFICATE**  
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW, THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.026, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT

10.4.22  
 BILL H. HYATT

JOB NUMBER - 2208-110  
 LATEST FIELDWORK DATE - 9.27.22  
 DRAWN BY - N.A.  
 REVISION -  
 REVISION -  
 REVISION -  
 REVISION -  
 REVISION -

**KNOW IT NOW, INC.**  
 PROFESSIONAL SURVEYING AND MAPPING  
 LICENSED BUSINESS #6912  
 5220 US-1, #104, VERO BEACH, FL 32967  
 PHONE - (888) 396-7770

# Mills, Short & Associates

CIVIL & STRUCTURAL ENGINEERING | ENVIRONMENTAL

CERTIFICATION OF AUTHORIZATION 30698

## Mills, Short & Associates

CIVIL & STRUCTURAL ENGINEERING | ENVIRONMENTAL

**J. Wesley Mills, P.E.**

Principal

700 22nd Place, Suite 2C  
Vero Beach, Florida 32960  
T: 772.226.7282

[WMills@MillsShortAssociates.com](mailto:WMills@MillsShortAssociates.com)  
[www.MillsShortAssociates.com](http://www.MillsShortAssociates.com)

*Main Office*

700 22nd Place, Suite 2C  
Vero Beach, Florida 32960  
772.226.7282

*Additional Locations*

100 Federal Highway, Suite B  
Lake Park, Florida 33403

4690 Lipscomb Street, Suite 6A  
Palm Bay, Florida 32905

**Richard Kohler**

---

**From:** Malabar Fl <wo@iworq.net>  
**Sent:** Thursday, January 25, 2024 3:00 PM  
**To:** Denine Sherear; Richard Kohler; Lisa Morrell  
**Subject:** A CC Payment was made for # 1997

A CC Payment was made for # 1997

Click [Here](#) to open Entity # 1997



**Entity #:** 1997

**Receipt #:** 1886

**Date:** 01/25/2024

**Paid By:** Brent Howells

**Description:** 102332203

**Payment Type:** iTransact CC

**Payment Type Description:**

**Accepted By:**

**Fees Paid**

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
Not Scheduled	Not Scheduled	0.00	300.00	300.00
			<b>Total:</b>	<b>\$300.00</b>



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.

# The 2023 Florida Statutes (including Special Session C)

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[Title XII](#)  
MUNICIPALITIES

[Chapter 171](#)  
LOCAL GOVERNMENT BOUNDARIES

[View Entire Chapter](#)

**171.043** **Character of the area to be annexed.**—A municipal governing body may propose to annex an area only if it meets the general standards of subsection (1) and the requirements of either subsection (2) or subsection (3).

- (1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.
- (2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:
  - (a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;
  - (b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or
  - (c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.
- (3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:
  - (a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or
  - (b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

The purpose of this subsection is to permit municipal governing bodies to extend corporate limits to include all nearby areas developed for urban purposes and, where necessary, to include areas which at the time of annexation are not yet developed for urban purposes whose future probable use is urban and which constitute necessary land connections between the municipality and areas developed for urban purposes or between two or more areas developed for urban purposes.

**History.**—s. 1, ch. 74-190; s. 2, ch. 76-176.



# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 13.b.

Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler., Town Clerk

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**SUBJECT: Approve Temporary Placement of a Travel Trailer While Constructing SFR at 1880 Sandy Creek Lane -Applicant: Mr. Bonnett**

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### **BACKGROUND/HISTORY:**

Malabar Land Development Code Article V, Section 1-5.15 (attached) allows Council to approve the **temporary residential occupancy** in a travel trailer on residential property "**while a new single family home is under construction.**" The application requires a \$500.00 bond that is refundable once the home is completed and the trailer ceases to be used for residential use. If the home is not complete within six-months, the applicant may request one extension.

The Building Department handles the issuance of such a temporary permit once sanitation and temporary utility connections have been approved and established.

In RR-65 Zoning, residential occupancy in an RV is prohibited without issuance of a building permit for new home construction and active progress on the home.

The applicant, Mr. Bonnett, has submitted all necessary applications for land development and construction of their new home and the building permit has been issued.

### **FINANCIAL IMPACT:**

None - bond is returned once the Certificate of Occupancy is issued and the RV ceases to be used for residential occupancy.

### **ATTACHMENTS:**

Section 1-5-15 of Town Code  
Application for Temporary Trailer  
Proof of Ownership  
Map of area showing location of Trailer  
Receipt of Payment of required \$500.00 Bond

### **ACTION OPTIONS:**

Motion to approve the Temporary Placement of RV while SFR is constructed.

## Portion of Article V of the Malabar Land Development Code

### Section 1-5.15. Parking, storage or use of major recreational equipment

Major recreational equipment is defined as including boats and boat trailers, pickup campers or coaches (designed to be mounted on an automotive vehicle), motorized dwellings, collapsible camping trailers or motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.

1. No major recreational equipment shall be parked or stored in any residential front yard in any residential district for more than forty-eight (48) hours during loading or unloading.
2. No such major recreational equipment shall be used for living, sleeping, housekeeping, office, or commercial purposes when parked or stored on a residential lot, or in any location not approved for such use.
3. No such major recreational equipment shall be located within a public right-of-way.
4. If such equipment is a collapsible camping trailer, the trailer shall be stored in a collapsed state.

***Mobile homes or other mobile equipment or structures used temporarily in connection with construction, used as a dwelling, office or sales room may be located temporarily in all districts only after the release of a building permit and during the period of construction activity, under a temporary zoning permit, provided however, said trailer must be removed within ten (10) days after completion of construction.***



2725 Malabar Road  
Malabar, Florida 32950-4427  
321-727-7764 – Telephone  
321-722-2234 – FAX

**LOCATION AGREEMENT  
TEMPORARY LOCATION OF MOBILE HOME, CAMPER, ETC.**

A 5<sup>th</sup> Wheel Camper may be placed on my property located at 1880 Sandy Creek Ln in Malabar, Florida, on a temporary basis, while my home is being built on that property. I agree that the mobile home shall be removed immediately after completion of construction, approximately six months from this date. I also agree to start action on construction of my residence on the property as soon as possible, and be able to show completion or major progress at the end of the six-month period.

In the event the construction is not completed by that date, I will apply to the Town of Malabar for an extension of time. If no progress whatsoever is shown, the 5<sup>th</sup> Wheel Camper will be removed immediately, and I will forfeit the \$500.00 security bond.

- Proof of Ownership
- Survey or Plot Plan showing location
- Description; means of septic hook-up, water & power
- Reason for mobile home on property
- Building Permit No. # 2743
- Road Permit Application # N/A
- Road Bond: N/A

Signature: [Signature]

Signature: [Signature]

Date: 1/24/24

Date: 1/24/2024

Date Accepted: 1/24/2024

Town Clerk: [Signature]

### Temporary location of camper agreement

I am applying for this permit for placement of my 5<sup>th</sup> wheel type camper as a temporary residence during construction of my house on Sandy Creek lane. The placement of the camper in this spot will give me the best access to the power and water supply. All utilities, well, septic, electricity and internet have been installed on a temporary basis. Water and power feed directly into the camper and the septic is removed via a portable dump tank. I am currently living with family but do spend much time on site in preparing for construction to begin.



**REAL PROPERTY DETAILS**  
 Account 2922427 - Roll Year 2023

Owners	BONNETT, BRUCE OWEN
Mailing Address	3621 PEONY CT SE PALM BAY FL 32909
Site Address	1880 SANDY CREEK LN MALABAR FL 32950
Parcel ID	29-37-02-00-28
Taxing District	34Z0 - MALABAR
Exemptions	NONE
Property Use	0009 - VACANT RESIDENTIAL LAND (SINGLE FAMILY, UNPLATTED)
Total Acres	1.38
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0000/0000
Subdivision	--
Land Description	E 1/2 OF S 3/4 EXC N 800 FT OF LOT 29 EXC E 25 FT AS DESC IN ORB 1548 PG 334



**VALUE SUMMARY**

Category	2023	2022	2021
Market Value	\$75,900	\$62,100	\$62,100
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$75,900	\$61,770	\$56,160
Assessed Value School	\$75,900	\$62,100	\$62,100
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$75,900	\$61,770	\$56,160
Taxable Value School	\$75,900	\$62,100	\$62,100

**SALES / TRANSFERS**

Date	Price	Type	Instrument
10/14/2022	\$120,000	WD	9638/0322
02/17/2006	--	QC	5617/2536
12/01/1988	--	QC	2970/0840
04/01/1987	\$15,000	NN	2796/1208
10/01/1984	\$10,000	WD	2545/1852

No Data Found

**LISA CULLEN, CFC** NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS  
 BREVARD COUNTY TAX COLLECTOR 2023 REAL ESTATE

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2922427		3420

Pay your taxes online at [www.brevardtc.com](http://www.brevardtc.com)

PRIOR YEAR(S) TAXES DUE.

1880 SANDY CREEK LN MALABAR  
 E 1/2 OF S 3/4 EXC N 800 FT OF LOT  
 29 EXC E 25 FT AS DESC IN ORB 1548  
 PG 334



7-8489

BONNETT, BRUCE OWEN  
 3621 PEONY CT SE  
 PALM BAY FL 32909-1339



AD VALOREM TAXES							
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED		
COUNTY GENERAL FUND	3.0486	75,900	0	75,900	231.39		
BREVARD LIBRARY DISTRICT	0.3467	75,900	0	75,900	26.31		
BREVARD MOSQUITO CONTROL	0.1427	75,900	0	75,900	10.83		
SCHOOL - BY STATE LAW	3.1350	75,900	0	75,900	237.95		
SCHOOL - BY LOCAL BOARD	0.7480	75,900	0	75,900	56.77		
BPS VOTED TEACHER PAY	1.0000	75,900	0	75,900	75.90		
SCHOOL - CAPITAL OUTLAY	1.5000	75,900	0	75,900	113.85		
TOWN OF MALABAR	4.5000	75,900	0	75,900	341.55		
LAW ENFORCEMENT MSTU	0.9031	75,900	0	75,900	68.55		
ST JOHNS RIVER WATER MGMT DST	0.1793	75,900	0	75,900	13.61		
FLA INLAND NAVIGATION DIST	0.0288	75,900	0	75,900	2.19		
SEBASTIAN INLET DISTRICT	0.1066	75,900	0	75,900	8.09		
ENV END LD/WTR LTD	0.0488	75,900	0	75,900	3.70		
ENV END LD/WTR LTD(DBTP)	0.0163	75,900	0	75,900	1.24		
<b>TOTAL MILLAGE</b>					<b>15.7039</b>	<b>AD VALOREM TAXES</b>	<b>\$1,191.93</b>

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
112 STORMWATER MALABAR		18.47
<b>PAY ONLY ONE AMOUNT IN BOXES BELOW</b>		<b>\$18.47</b>

If Paid By Please Pay	NON-AD VALOREM ASSESSMENTS				
	Nov 30, 2023	Dec 31, 2023	Jan 31, 2024	Feb 29, 2024	Mar 31, 2024
	\$1,161.98	\$1,174.09	\$1,186.19	\$1,198.30	\$1,210.40

**LISA CULLEN, CFC** NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS  
 BREVARD COUNTY TAX COLLECTOR 2023 REAL ESTATE

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2922427		3420

Pay your taxes online at [www.brevardtc.com](http://www.brevardtc.com)

PRIOR YEAR(S) TAXES DUE.

PAYING ONLINE VIA  
 E-CHECK IS FREE



"PAY ONLINE, NOT IN LINE"

PLEASE PAY IN U.S. FUNDS THRU U.S. BANK TO BREVARD COUNTY TAX COLLECTOR • P.O. BOX 2500 • TITUSVILLE, FL 32781-2500

If Paid By Please Pay	NON-AD VALOREM ASSESSMENTS				
	Nov 30, 2023	Dec 31, 2023	Jan 31, 2024	Feb 29, 2024	Mar 31, 2024
	\$1,161.98	\$1,174.09	\$1,186.19	\$1,198.30	\$1,210.40

RETURN WITH  
 PAYMENT

BONNETT, BRUCE OWEN  
 3621 SE PEONY CT  
 PALM BAY, FL 32909-1339

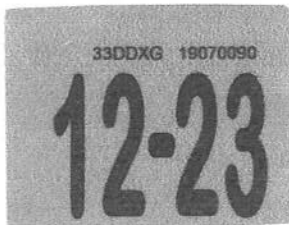


**TOWN OF MALABAR**

DESIGNED FOR CODE COMPLIANCE

**INSTRUCTIONS FOR ATTACHING DECAL**

1. Clean area where new annual decal is to be affixed.
2. Peel decal from this document.
3. Affix decal in the upper right corner of license plate.



Mail To:  
**BRUCE OWEN BONNETT**  
**3621 PEONY CT SE**  
**PALM BAY, FL 32909-1339**

5<sup>th</sup> Wheel

**IMPORTANT INFORMATION**

Section 316.613, Florida Statutes, requires every operator of a motor vehicle transporting a child in a passenger car, van, autocycle or pickup truck registered in this state and operated on the highways of this state, shall, if the child is 5 years of age or younger, provide the protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a child booster seat may be used. For limited exceptions, see s. 316.613, F.S.

S. 320.0605, F.S., requires the registration certificate, or true copy of a rental or lease agreement, issued for any motor vehicle to be in the possession of the operator or carried in the vehicle while the vehicle is being used or operated on roads of this state.

S. 320.02 and 627.733, F.S., requires personal injury protection and property damage liability to be continuously maintained throughout the registration period. Failure to maintain the mandatory coverage may result in the suspension of your driver license and registration.

Important note: If you cancel the insurance for this vehicle, immediately return the license plate from this registration to a Florida driver license or tax collector office or mail it to: DHSMV, Return Tags, 2900 Apalachee Parkway, Tallahassee, FL 32399. Surrendering the plate will prevent your driving privilege from being suspended.

CO/AGY 19 / 6      T# 1740610287  
 B# 1416021

**FLORIDA VEHICLE REGISTRATION**

<b>PLATE</b>	<b>33DDXG</b>	<b>DECAL</b>	<b>19070090</b>	<b>Expires</b>	<b>Midnight Fri 12/8/2023</b>		
<b>YR/MK</b>	<b>2015/JYTS</b>	<b>BODY</b>	<b>TV</b>			<b>Reg. Tax</b>	<b>36.10</b>
<b>VIN</b>	<b>1SACS0BR7F2KJ5059</b>			<b>TITLE</b>	<b>117743897</b>	<b>Init. Reg.</b>	<b>77</b>
<b>Plate Type</b>	<b>RGS</b>	<b>NET WT</b>	<b>32'</b>			<b>County Fee</b>	<b>3.00</b>
						<b>Mail Fee</b>	
<b>DL/FEID</b>	<b>B530074574480</b>					<b>Sales Tax</b>	<b>Credit Class</b>
<b>Date Issued</b>	<b>12/6/2022</b>	<b>Plate Issued</b>	<b>8/2/2022</b>			<b>Voluntary Fees</b>	<b>Credit Months</b>
						<b>Grand Total</b>	<b>39.10</b>

**BRUCE OWEN BONNETT**  
**3621 PEONY CT SE**  
**PALM BAY, FL 32909-1339**

**IMPORTANT INFORMATION**

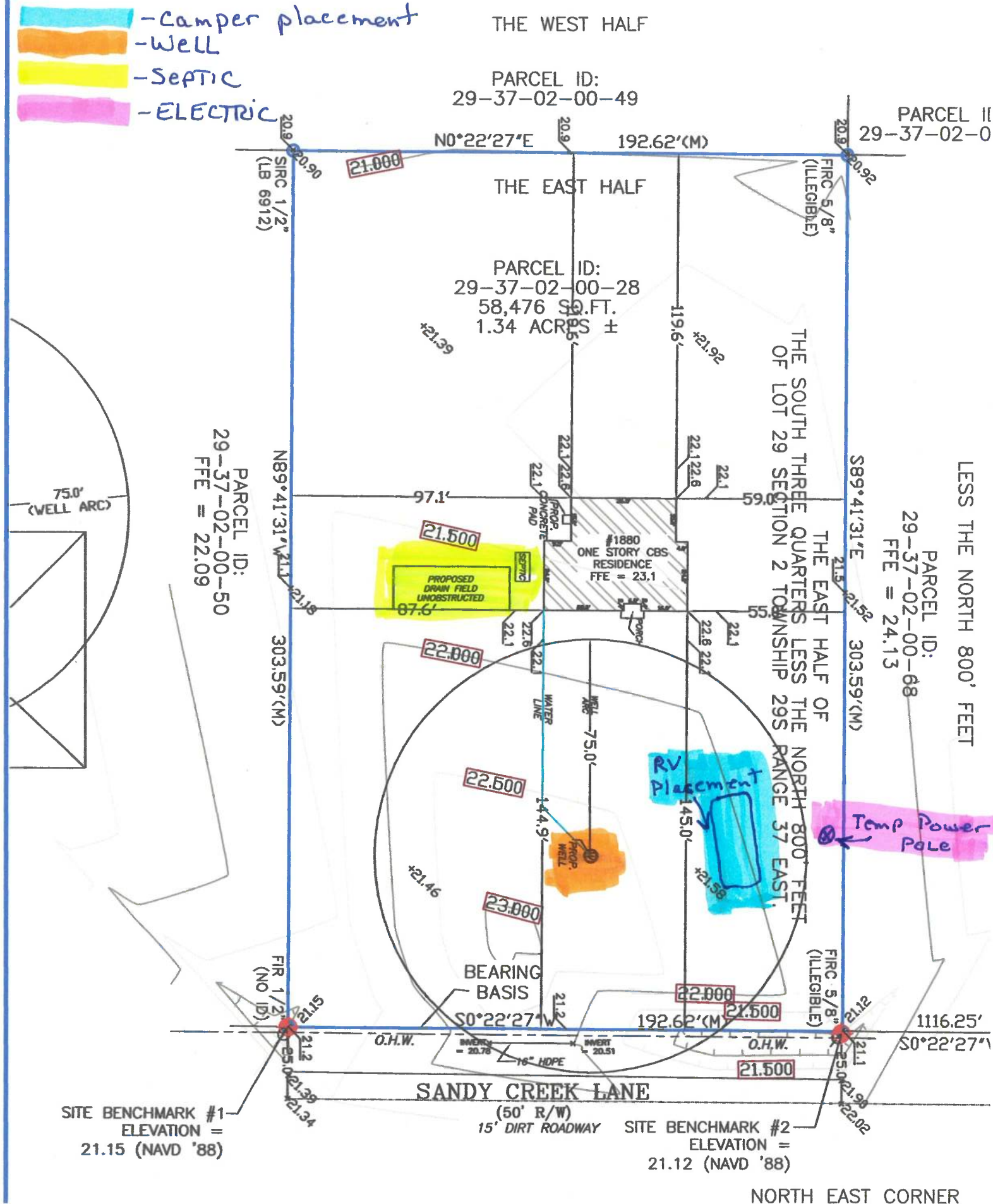
1. The Florida license plate must remain with the registrant upon sale of vehicle.
2. The registration must be delivered to a Tax Collector or Tag Agent for transfer to a replacement vehicle.
3. Your registration must be updated to your new address within 30 days of moving.
4. Registration renewals are the responsibility of the registrant and shall occur during the 30-day period prior to the expiration date shown on this registration. Renewal notices are provided as a courtesy and are not required for renewal purposes.

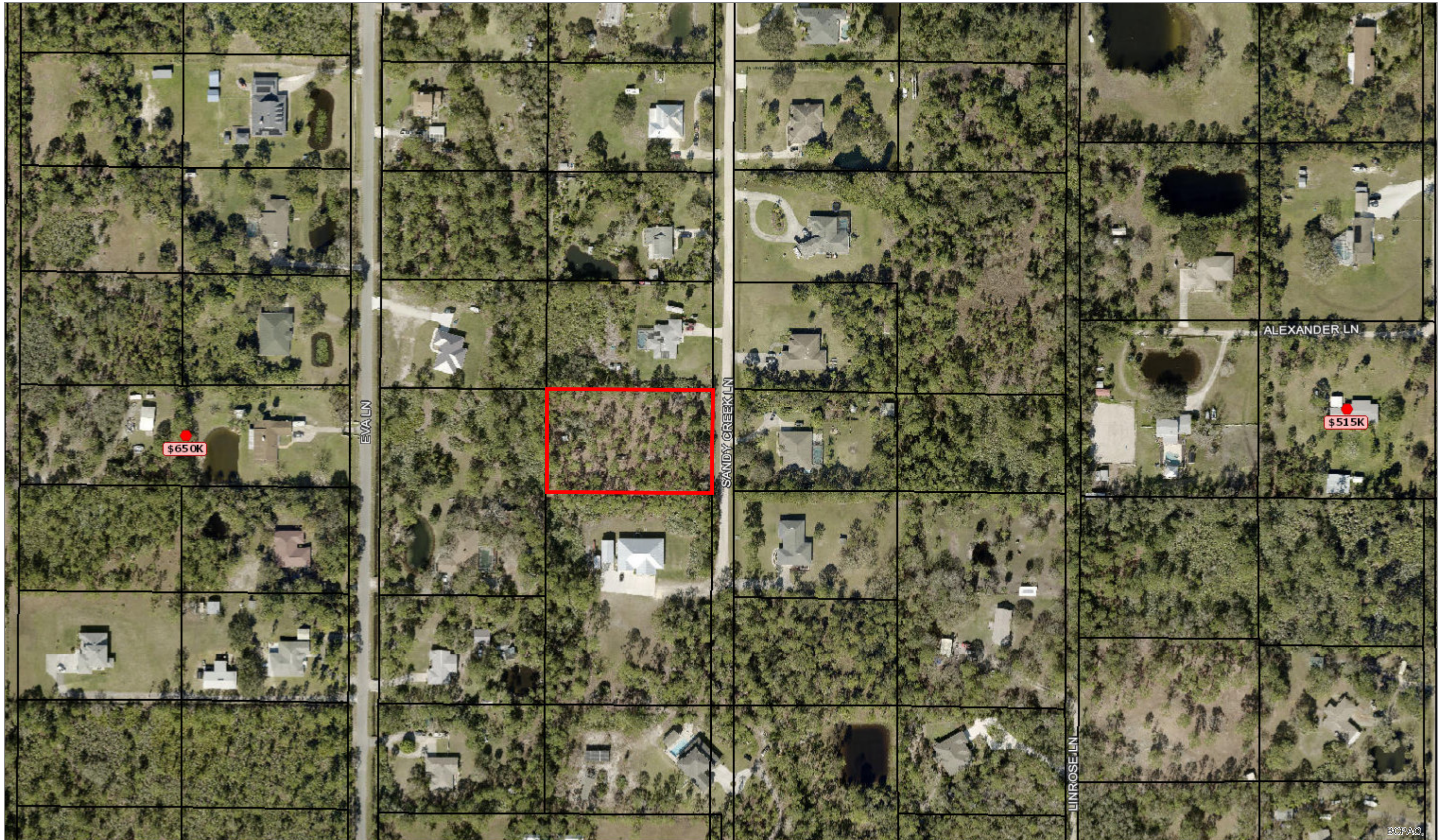




MAP OF BOUNDARY SURVEY PREPARED FOR BRUCE OWEN BONNETT

- Camper placement
- Well
- Septic
- ELECTRIC





All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.



**Permit #:** 2743

**Permit Date:** 12/19/23

**Permit Type:** Building

**Permit Type:** 101 - Single Family Houses

**Sub- Class field:** 101 Single Family Houses

**Construction Types:** NOT APPLICABLE

**Applicant Name:** Bruce Bonnett

**Applicant Address:** 1880 Sandy Creek Ln.

**City, State, Zip:** Malabar, FL 32909

**Phone Number:** 941-809-7632

**Email:** brubon8@hotmail.com

**Description:** O/B Building of Residential Home TYPE V 1,500 SQ FT UNDER A/C

**Class of Work:** Single Family Home

**Proposed Use:** RR65

**Project Cost:** 150000

**Square Feet:** 1500

**Final Date:**

**Commercial Permits:** No

**Fire Inspection:**

**Notes:**

**Under Brush:**

**Status:** Open

**Assigned To:**

### Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
29-37-02-00-28	1880 SANDY CREEK LANE		BONNETT, BRUCE OWEN	941-809-7632	RR65 - Rural Res.

### Contractors

Contractor	Primary Contact	Phone	Address	Contractor Type	License	License #
OWNER/BUILDER					AL	

### Inspections

Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
	New Single Fam. Bldg. Masonry Group					0.Pending
	Drainage Inspection					0.Pending
	Erosion & Sedimentation					0.Pending

### Plan Reviews

Date	Review Type	Description	Assigned To	Review Status
01/09/2024	Building		Sam Sangiorgi	Pending

### Fees

Fee	Description	Notes	Amount
-----	-------------	-------	--------

Building Permit		\$1,075.00
Permit Surcharge DBPR	Permit Surcharge DBPR	\$10.75
Permit Surcharge DCA	Permit Surcharge DCA	\$16.13
Plan Review Fee - B/P		\$537.50
Plumbing Permit		\$30.00
Electrical Permit		\$30.00
A/C		\$30.00
Drainage		\$50.00
Engineering Fee - Per Hour		\$180.00
Contractor Registration Fee		\$40.00
	<b>Total</b>	<b>\$1,999.38</b>

### Attached Letters

Date	Letter	Description
01/09/2024		<u>Building Permit</u>
01/09/2024		<u>Building Permit</u>
12/19/2023		<u>Building Permit</u>

### Payments

Date	Paid By	Description	Payment Type	Accepted By	Amount
01/17/2024	Bruce Bonnett	102238849			\$1,999.38
				<b>Outstanding Balance</b>	<b>\$0.00</b>

### Notes

Date	Note	Created By:
01/09/2024	1/9/2024 Met with Mr Bonnett, He will return with electronic files, I will upload and send to Sam d.s.	Denine Sherear

### Uploaded Files

Date	File Name
01/16/2024	<u>18192226-bonett 2.pdf</u>
01/16/2024	<u>18192225-bonett 1.pdf</u>
01/16/2024	<u>18192222-bonett sealed plans .pdf</u>
01/16/2024	<u>18192220-BONNETT Electrical revised.pdf</u>
01/09/2024	<u>18123843-[Untitled].pdf</u>
01/09/2024	<u>18123840-[Untitled].pdf</u>
01/09/2024	<u>18113931-SIGNED BONNETT 17 OCTOBER 2023[1190].pdf</u>

**Richard Kohler**

---

**From:** Malabar Fl <wo@iworq.net>  
**Sent:** Wednesday, January 24, 2024 3:33 PM  
**To:** Denine Sherear; Richard Kohler; Lisa Morrell  
**Subject:** A CC Payment was made for # 1998

A CC Payment was made for # 1998

Click [Here](#) to open Entity # 1998



**Entity #:** 1998  
**Receipt #:** 1885  
**Date:** 01/24/2024  
**Paid By:** Bruce Bonnett  
**Description:** 102319401  
**Payment Type:** iTransact CC  
**Payment Type Description:**  
**Accepted By:**

**Fees Paid**

Fee Name	Description	Factor	Total Fee Amount	Amount Paid
*Old Fee		500.00	500.00	500.00
			<b>Total:</b>	<b>\$500.00</b>

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 13.c.**  
Meeting Date: February 5, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Consideration of Shipping Containers – Storage and Dwellings**

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**BACKGROUND/HISTORY:**

Town Council has been advised the Florida Building Code (FBC) does allow for the construction of Shipping Container Homes with certain requirements. The Town of Malabar has adopted the Florida Building Codes – seventh edition to date. The Town code does not provide any further restrictions or criteria for the use of shipping containers used for dwelling material nor a designated zone. Town Council directed Town Staff to bring forward to Planning and Zoning Advisory Board for consideration and advisement to Town Council on the topic for discussion to provide additional amendments to the Town Code to allow or deny the use of shipping containers for dwelling purposes and or applicable zoning districts in accordance with Town's Comprehensive Plan and necessary amendments thereof.

The Planning and Zoning Board reviewed and discussed sample ordinances provided by staff from Polk County and the City of Lakeland. After review and discussion, the Board made a unanimous recommendation to Town Council advising to not amend the code. The Board did not wish to restrict the building materials allowed for inhabited dwellings, and stated the 1,500 sq/ft minimum would limit most potential shipping container dwellings.

**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

Town of Malabar Code 1-5-6 Accessory Buildings (Currently Adopted)  
Sample Ordinance – Polk County – Allowing Permanent/Temporary Storage or an Accessory Building with denial of habitation.  
Sample Ordinance – City of Lakeland Allowing Shipping Containers

**ACTION OPTIONS:**

Motion to Accept the recommendation of the Planning and Zoning Board for no further restrictions for use of shipping containers for dwellings as the Florida Building Code permits.

Section 1-5.6. - Accessory buildings.

- A. *Presence of Principal Building Required.* No accessory building shall be constructed upon a lot until the construction of a principal building has been issued a certificate of occupancy and no accessory building shall be used unless the principal building is in use. No structure which has been constructed as a principal use for the housing of animals or for agricultural purposes shall be used as a residence.
- B. *Prohibited in Required Yard.* No accessory building or structure shall be located in any required yard area.
- C. *General Regulations of Accessory Building.* No mobile homes, travel trailers, or old cars shall be permitted as an accessory structure. No accessory structure shall be built without a permit first being issued by the Building Official expressly authorizing the accessory structure. If the Building Official is in doubt as to the type of added accessory structure or whether a proposed accessory use is a duly authorized accessory use or structure within the district in which it is proposed, then the Building Official shall forward the issue to the Planning and Zoning Board and the Town Council for action.
- D. *Standards for Temporary Storage Units.*
  - 1. Temporary Storage Unit is defined and typically utilized for the temporary storage of personal belongings only, as part of the process of household moving and/or part of a household intent to store items offsite at a commercial storage location. This definition does not include storage units authorized by the Florida Building Code pursuant to F.S. § 553.73.
  - 2. Temporary storage units are permitted as follows:
    - (a) Permitted in Residential Areas: Any land zones RR-65, RS-10, RS-15, RS-21, RM-4, RM6, R-MH, R/LC, and PUD designated for single family and multiple family uses
    - (b) Size: Temporary storage units, shall not exceed nine (9) feet in height, ten (10) feet in width, and 24 feet in length.
    - (c) Location: temporary storage units are allowed in any required setback and shall not be placed in any public or private right-of-way or easement and shall not be in such a manner to create any visual obstruction for any motor vehicle operator's view of other motor vehicles, bicycles, or pedestrians upon entering or exiting rights-of-way.
    - (d) Time frame: Temporary storage units are allowed in residential districts for a period not exceeding 14 days in a calendar year and no more than two times a calendar year.
    - (e) The temporary storage unit shall not be utilized for the following:
      - i. Storage of live animals.
      - ii. Utilized for human habitation.
      - iii. Storage of hazardous or flammable materials.

- iv. Advertising is prohibited on the temporary storage unit except for the name and phone number of the vendor of the unit.
  - v. Storage of trash, junk ,debris, garbage, construction debris or material or refuse.
3. The Town Manager, or designee, may grant one (1) extension to the time limit established in subsection (1) above with written request by the property owner demonstrating good cause. For purposes herein, "good cause" shall mean an act of God, or some unforeseen circumstance or event which has caused a need to extend the use of the temporary storage container at the present location. No extension shall be longer than the time period which was previously approved by the Town.
4. Exemptions. The above regulations shall not apply to temporary storage units that are placed for construction purposes in connection with a valid building permit or during any period of declared weather emergency by federal, state, or local official action.
- The provisions of this Ordinance shall not apply to any container which is placed on real property within the Town that is otherwise authorized by the Town's garbage and trash franchise agreement.
5. Violations and provisions for schedule of fines will follow the Town of Malabar Code of Ordinances, Land Development Code, Article XII entitled Administrative Procedures for land development and code enforcement.

(Ord. No. 2021-22, § 1, 11-1-21)



ORDINANCE NO. 09-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA, LAND DEVELOPMENT CODE AMENDMENT LDC 09T-27, AMENDING ORDINANCE NO. 00-09, AS AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING SECTION 206, ACCESSORY USES, AND SECTION 209, ACCESSORY BUILDINGS, TO PROVIDE FOR REGULATIONS TO PERMIT CARGO/SHIPPING CONTAINERS AS PERMANENT STORAGE, AMENDING SECTION 207, TEMPORARY USES, TO PROVIDE FOR REGULATIONS TO PERMIT PORTABLE STORAGE STRUCTURES, AMENDING CHAPTER 10 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Land Development Regulations consistent with the Polk County Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners adopted said Land Development Regulations on March 1, 2000, titled the Polk County Land Development Code; and

**WHEREAS**, Chapter 9, Section 903 of the Land Development Code requires Land Development Code Amendments to be a Level 4 Review; and

**WHEREAS**, Chapter 9, Section 907 sets forth the purpose and review process for Level 4 Reviews; and

**WHEREAS**, pursuant to Section 125.67 of the Florida Statutes, every ordinance shall embrace but one subject and matter properly connected therewith; and

**WHEREAS**, pursuant to Section 163.3164 of the Florida Statutes, the Polk County Planning Commission conducted a public hearing, with due public notice having been provided, on the proposed Land Development Code Amendment on July 14, 2009; and

**WHEREAS**, the proposed text amendment to the Polk County Land Development Code shall provide for regulations to allow for cargo/shipping containers to be used as permanent storage and provide for regulations relative to temporary portable storage containers; and

**WHEREAS**, the Board of County Commissioners, reviewed and considered all comments received during said public hearing, and provided for necessary revisions; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Polk County, Florida that:

*NOTE: The underlined text indicates proposed additions to the current language. The ~~strikeout~~ indicates text to be removed from the current ordinance.*

**SECTION 1:** Chapter 2, Section 206, Accessory Uses, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended to add the following subsection:

**Section 206 Accessory Uses** (*Revised 01/03/05-Ord.04-80; 7/25/01-Ord.01-57*)

**K. Cargo Containers for Permanent Storage**

Cargo containers are permitted to be used as permanent storage in accordance with the following:

1. All cargo containers shall comply with the Florida Building Code, Florida Fire Prevention Code, and shall require a building permit.
2. Cargo Containers for permanent storage are prohibited in the following land use districts: RCC-R, RL, RM, RH, OC, L/R, ROS, and PRESV.
3. Cargo containers shall be permitted in accordance with the following:
  - a. As a temporary use in any land use district in conjunction with an authorized construction project, and shall be removed upon completion of the project unless properly permitted to remain as permanent storage in accordance with this section.
  - b. Bonafide agricultural properties are permitted to have one cargo container per five acres of agricultural tax exempt acres of land, with no minimum acreage being required.
  - c. Parcels designated A/RR and RS shall be permitted one cargo container per five acre parcel, with a minimum property size of five acres.
  - d. Non-residential properties are permitted one cargo container per acre, with no minimum acreage being required.
4. In the instance where more than one cargo container, as outlined in this section, is allowed they shall not be stacked. However, within the IND and BPC-2 land use district they shall be permitted to be stacked two-high.
5. Cargo containers located on a residentially developed lot, or within the CE, LCC, RCC, CC, NAC, CAC land use districts, that is adjacent to residentially developed lots or structures shall be buffered and/or screened from the adjacent off-site residential lot or structure. Additionally, they shall maintain a minimum setback of 15 feet.
6. All cargo containers shall be placed in either the side or rear yard and meet accessory structure setbacks for the applicable land use district or the setback as outlined in condition #5 above, whichever is more restrictive.
7. Cargo containers shall not be located within any drainage easements.

8. Cargo containers shall not occupy any required off-street parking spaces, vehicular accesses or drive aisles, pedestrian facilities or landscape areas for the site.
9. Cargo containers shall not be permitted to have signage of any type.
10. Cargo containers shall not be modified or retrofitted for habitation.

**SECTION 2:** Chapter 2, Section 209, Accessory Buildings, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**Section 209 Accessory Buildings**

This Section applies to accessory buildings in all districts. More than one accessory structure may be located on a parcel provided that the following requirements are met:

**E. *Prohibited Accessory Structures***

Vehicles, vehicle parts, ~~convex shipping containers~~, boilers, walk-in freezers, and mobile homes shall not be used as accessory structures in any district.

**SECTION 3:** Chapter 10, Definitions, of the Polk County Land Development Code, Polk County Ordinance No. 00-09, as amended, is hereby amended in the following manner:

**CHAPTER TEN DEFINITIONS**

**CARGO CONTAINER (ALSO CALLED SHIPPING CONTAINER):** A reusable vessel that is originally, specifically or formerly designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities and is also designed for or capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.

**SECTION 4: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 5: EFFECTIVE DATE**

This ordinance shall become effective upon filing with the Department of State.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY,**

**FLORIDA** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

BOARD OF COUNTY COMMISSIONERS OF  
POLK COUNTY, FLORIDA

STATE OF FLORIDA        )  
                                  )  
COUNTY OF POLK        )

I, Richard M. Weiss, Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 09-\_\_\_\_\_, an amendment to the Polk County Land Development Code, which was adopted by the Board of County Commissioners of Polk County, Florida on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

WITNESS my hand and official seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

(SEAL)

By: \_\_\_\_\_  
Kathryn Courtney  
Deputy Clerk

**ORDINANCE NO. \_\_\_\_\_**

**PROPOSED ORDINANCE NO. 21-045**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 2 AND ARTICLE 5 OF THE LAND DEVELOPMENT CODE TO ADOPT DEVELOPMENT STANDARDS ALLOWING FOR THE USE OF SHIPPING CONTAINERS AS DWELLING UNITS IN MOBILE HOME (MH) AND MULTI-FAMILY (MF) ZONING DISTRICTS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES; AMENDING STANDARDS FOR HOME-BASED BUSINESS IN RESPONSE TO RECENT LEGISLATIVE CHANGES; CLARIFYING PARKING STANDARDS FOR BOATS, TRAILERS AND RV'S ON RESIDENTIAL PROPERTY; REVISING STANDARDS PERTAINING TO PERSONAL WIRELESS SERVICE FACILITIES IN LIMITED DEVELOPMENT (LD) ZONING DISTRICTS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

**WHEREAS**, it has been determined that amendments are necessary to update the regulations contained within the Land Development Code; and

**WHEREAS**, the City Commission, upon recommendation by the Planning and Zoning Board, wishes to adopt the amendments to the Land Development Code set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:**

**SECTION 1.** The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

**SECTION 2.** The amendments to the Land Development Code set forth in Attachment "A," attached hereto and made a part hereof, are hereby adopted.

**SECTION 3.** The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland, and that all procedures for the enactment of this Ordinance have been complied with.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

**SECTION 6.** This Ordinance shall take effect immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 18th day of October, A.D. 2021.

\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
PALMER C. DAVIS  
CITY ATTORNEY

ATTACHMENT "A"

Table 2.3-1: Permitted Principal Uses

USES	RESIDENTIAL DISTRICTS									OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS			
	RA-1	RA-2	RA-3	RA-4	RB	MF-12	MF-16	MF-22	MH	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7 <sup>2</sup> <sub>4</sub>	I-1	I-2	I-3	

Table 2.3-2: Permitted Accessory Uses

USES	RESIDENTIAL DISTRICTS									OFFICE DISTRICTS			COMMERCIAL DISTRICTS							INDUSTRIAL DISTRICTS		
	RA-1	RA-2	RA-3	RA-4	RB	MF-12	MF-16	MF-22	MH	O-1	O-2	O-3	C-1	C-2	C-3	C-4	C-5	C-6	C-7 <sup>2</sup> <sub>4</sub>	I-1	I-2	I-3
<b>MISCELLANEOUS</b>																						
Home Offices accessory to dwelling units <sup>±</sup>	P	P	P	P	P	P	P	P	P	P	P								P	P		
Home-based Businesses accessory to single-family detached dwelling units <sup>1</sup>	P	P	P	P	P	P	P	P	<u>P</u>	P	<u>P</u>		<u>P</u>	<u>P</u>					<u>P</u>	<u>P</u>		

Footnotes:

<sup>1</sup> In accordance with Section 5.10 (Home Occupations) (Home-based Businesses)

## ATTACHMENT "B"

### ARTICLE 5 – STANDARDS FOR SPECIFIC USES

#### **5.25 SHIPPING CONTAINERS AS DWELLING UNITS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES**

##### 5.25.1 INTENT AND APPLICABILITY

It is the intent of this section to establish specific development standards allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses.

##### 5.25.1.1 Definitions

**Shipping Container:** A large, standardized container designed for intermodal transport of goods and materials that is without wheels and any vehicle chassis.

##### 5.25.1.2 Shipping Containers for Use as Dwelling Units

- a. Through the conditional use process, shipping containers may be used as dwelling units on properties located in MF (Multi-Family Residential) zoning districts and in existing or proposed mobile home parks that are zoned as part of a MH (Mobile Home) zoning district.
- b. All shipping containers used as dwelling units shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- c. The use of shipping containers as dwelling units shall be contingent upon certain architectural modifications being made to the exterior of the structures. Such modifications shall include the use of residential windows and doors, awnings, and finishing materials such stucco, fiber cement siding or other materials appropriate for the residential use.
- d. For shipping container dwellings proposed for use in mobile home parks, architectural elevations are required to illustrate the types of architectural treatments and finishing materials that will be used. A typical lot layout is also required to illustrate setbacks, off-street parking and any appurtenances that will be used such as carports and decks.
- e. For properties zoned for multi-family uses, a detailed site plan showing setbacks, building footprints, parking, and required landscaping and buffering is required. Architectural elevations shall also be provided to show the types of architectural treatments and finishing materials that will be used.
- f. All other development standards shall be in accordance with the underlying zoning district in which the property is located.

##### 5.25.1.3 Shipping Containers as Accessory Structures for Certain Commercial Uses



- a. All shipping containers used as accessory structures shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- b. Use as commercial accessory structures shall be limited to the following uses when permitted as a principal use in the underlying zoning district:
  - 1. Small-scale restaurants in which fresh food products are prepared on-site and sold directly to consumers for either on-premises or off-premises consumption.
  - 2. Small-scale, specialty retail sales of antiques, fresh, packaged and prepared foods, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods.
  - 3. Indoor hydroponic production of fruits, vegetables, flowers and herbs.
  - 4. Other uses not specifically listed when the Director of Community & Economic Development determines that the use is compatible with the surrounding uses.
- c. No more than one shipping container shall be installed per premises. The installation of two or more shipping containers for innovative commercial projects such as container food courts and other uses may be considered through a conditional use permit.
- d. Shipping containers used as an accessory building for restaurant or retail sales uses shall be located in accordance with the setbacks applicable to the principal structure on the lot or parcel on which they are located.
- e. Shipping containers used for hydroponic production shall be located in accordance with the setbacks for General Accessory Structures specified by Table 4.3-4.
- f. Shipping containers used as accessory structures shall not be located within any required off-street parking spaces, vehicle driveways or drive aisles, fire lanes or pedestrian facilities.
- g. Design and Performance Standards
  - 1. All shipping containers used as accessory structures shall be painted and maintained in good condition at all times with no visible structural damage, corrosion or graffiti.

2. Shipping containers used for restaurant and retail uses shall be modified and enhanced through the use of architectural features such as commercial doors and windows, awnings, outdoor lighting, seating, and landscaping planters.
3. Signage shall be limited to building mounted signs with a maximum sign area not to exceed 25 square feet per wall face and 50 square feet total.
4. Any solid waste generated shall be collected and disposed using the solid waste collection bins serving the principal structure on the premises.

2.6.4 ACCESSORY USES LISTED AND DEFINED

**Shipping Containers as Accessory Structures for Certain Commercial Uses in accordance with Sub-Section 5.25.1.3**

## ATTACHMENT "C"

### ARTICLE 5 – STANDARDS FOR SPECIFIC USES

#### 5.10 - ~~HOME OCCUPATIONS~~HOME-BASED BUSINESSES

##### 5.10.1 INTENT AND APPLICABILITY

###### 5.10.1.1 Intent

~~Home occupations~~ Home-based businesses are businesses that operate in whole or in part from a residential property. It is the intent of this section to provide minimum standards for ~~home occupations~~ home-based businesses in order to ~~promote mixed-use and to~~ ensure compatibility with surrounding land uses and consistency with Section 559.955, Florida Statutes.

(Ord. No. 5455, 07-21-14)

###### 5.10.1.2 Applicability

~~Home occupations-based businesses~~ shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

##### 5.10.2 HOME OCCUPATION TYPES

~~Home occupations are classified as Home Businesses or Home Offices and are described as follows:~~

###### a. ~~Home Business~~

###### 1. ~~Permitted home business uses:~~

~~(a) Personal consultation or service. Examples: Barber, beautician, massage therapist, dietician/nutritionist, custom home builder, architect, financial planner, music teacher.~~

~~(b) Limited production and sale of art objects. Examples: Painter, potter, sculptor, photographer.~~

~~(c) Small item repair/service. Examples: Watch/clock repair, gunsmith, computer repair.~~

~~(d) Clothing services. Examples: Tailor, dressmaker, clothing alterations, sewing.~~

~~(e) Home Office uses as described below.~~

###### 2. ~~The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such use or uses are not detrimental to the quiet enjoyment of the residential district.~~

###### b. ~~Home Office~~

###### 1. ~~Permitted home office uses:~~

~~(a) Production of intellectual property. Examples: Freelance writer, scriptwriter, commercial artist.~~

~~(b) Computer or on-line services. Examples: Web site designer, graphic designer, software developer, online sales.~~

~~(c) Office operations. Examples: Bookkeeping, payroll, purchasing.~~

~~2. The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such uses are not detrimental to the quiet enjoyment of the residential district.~~

~~c. Prohibited Home Occupations~~

~~1. The following are examples of occupations that are prohibited as home occupations:~~

~~(a) Adult uses.~~

~~(b) Motor vehicle sales, rental, service or repair.~~

~~(c) Small engine sales, service or repair.~~

~~(d) Appliance sales, service or repair.~~

~~(e) Machining, welding or working of metal.~~

~~(f) Woodworking.~~

~~(g) Sale or preparation of food items.~~

~~(h) Tattooing or body piercing.~~

~~2. The Director of Community Development may prohibit other uses not specifically listed if he finds that the external impacts of such use or uses are detrimental to the quiet enjoyment of the residential district.~~

5.10.32 GENERAL STANDARDS FOR ALL HOME OCCUPATIONS/HOME-BASED BUSINESSES

a. Only the person or persons maintaining the dwelling as their primary place of residence shall operate a home occupation. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

b. The activities of the home-based business shall be secondary to the property's use as a residential dwelling. A home occupation shall home-based business may operate in a completely enclosed structure or a detached accessory structure. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

c. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property.

External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood. There shall be no external advertising, external display of goods, or any other external evidence of any ~~home occupation~~ home-based business, except for signage in accordance with [Section 4.9](#).

- d. ~~No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.~~
- e. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities shall comply with the City's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
- f. ~~Home occupations~~ Home-based businesses shall meet all requirements of this Code pertaining to the parking of commercial vehicles as specified in Sub-Section 5.17.3.6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Heavy equipment used in conjunction with the home-based business shall not be visible from the street or any neighboring property. For the purposes of this section, the term "heavy equipment" shall mean commercial, industrial, or agricultural vehicles, equipment, or machinery.

#### 5.10.4 SPECIFIC STANDARDS FOR HOME BUSINESSES

- a. ~~Not more than two clients, customers or business associates shall be present on the premises at any one time.~~
- b. Signage shall be in accordance with [Section 4.9](#).
- c. ~~Over the counter sale of merchandise shall be limited to:~~
  - 1. ~~Items incidental to a permitted service. Example: Sale of hair care product by barber or beauty shop.~~
  - 2. ~~Art objects or small specialty items made on the premises.~~
- d. Hours of operation shall be not earlier than 8 am and not later than 9 pm.

#### 5.10.5 SPECIFIC STANDARDS FOR HOME OFFICES

- ~~a. There shall be no customer or business traffic to the premises other than occasional deliveries as would be normal in a residential setting.~~
- ~~b. There shall be no over the counter sale of merchandise.~~
- ~~c. The home office may involve the office operations of a business having non-office operations that are conducted elsewhere. In such cases, the home office may be the address of the business if otherwise permitted by law.~~

## 1.6 - DEFINITIONS

...

**Home-Based Business:** A business that operates, in whole or in part, from an improved residential property and meets the criteria in Section 559.955, Florida Statutes and the minimum standards in Section 5.10 of this code.

## ATTACHMENT "D"

### ARTICLE 5 – STANDARDS FOR SPECIFIC USES

#### **5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT**

...

##### 5.17.3.6 Parking of Commercial Vehicles and Commercial Trailers Regulated

It shall be unlawful for any person to park any commercial vehicle or commercial trailer on any residentially zoned tract, lot, piece or parcel of land within the city, except:

a. One commercial vehicle per dwelling unit shall be permitted provided each of the following requirements is met:

1. The Gross Vehicle Weight Rating (GVWR) of the commercial vehicle is less than 12,500 pounds.
2. The commercial vehicle is less than 80 inches wide.
3. The commercial vehicle is less than 26 feet in length.
4. The commercial vehicle has only two axles on the road.
5. The commercial vehicle is not equipped with air brakes, refrigeration equipment, hydraulic lifts, cranes, loading ramps, or similar equipment.

b. Sub-Section 5.17.3.6.a notwithstanding, the following commercial vehicles shall be prohibited on all residentially zoned tracts, lots, pieces or parcels of land within the city:

1. Semi-trucks and/or trailers, either as one unit or separately;
2. Wreckers and tow trucks;
3. Box trucks;
4. Dump trucks;
5. Bucket trucks.

c. Any vehicles and trailers used in conjunction with a home-based business shall be parked in legal parking spaces that are not located in the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

e.d. Any vehicle owned by a public or private utility provider, when used in the event of emergencies requiring immediate attention, shall be exempt from the requirements of this section.

## 1.6 - DEFINITIONS

...

**Yard, Required:** A yard between a lot line and the nearest principal building minimum setback line measured perpendicular to the lot line.

**Yard, Side:** A yard extending from the front yard to the rear yard between any building and the side lot line measured perpendicular to the side lot line.

**Yard, Street Side:** A yard extending the full width of a lot between any building and the street side lot line.

## 5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

...

### 5.17.3.5 Parking and Storage on Residential Property Permitted and Regulated

Parking of boats, unoccupied motor homes, or trailers (excluding semi-trailers), by any owner upon such owner's own residential premises, shall be permitted in any district; provided, however, that no sleeping, eating or living shall be permitted, nor shall any business be conducted in said motor home, boat or trailer while so parked or stored; and further provided, that such motor home, boat or trailer shall not be parked or located ~~between the principal building and~~ within any front or street-side property line yard as defined in Section 1.6 and Figure 1.6-10 of the Land Development Code.



## ATTACHMENT “E”

### 5.18 - PERSONAL WIRELESS SERVICE FACILITIES

...

#### 5.18.5 STANDARDS FOR GROUND-MOUNTED FACILITIES

##### 5.18.5.1 General

a. Ground-mounted PWS facilities shall be permitted by right in the following zoning district classifications: O-2, O-3, C-2, C-3, C-4, C-5, I-1, I-2 and I-3. Ground-mounted PWS facilities may be permitted as conditional uses in the following zoning district classifications: RA-1, RA-2, RA-3, RA-4, RB, MF-12, MF-16, MF-22, MH, ~~RCLD~~, O-1, C-1. The determination as to whether a ground-mounted PWS facility is permitted by right or as a conditional use in the PUD zoning district classification shall be based on the conventional zoning district which most closely approximates the use or uses permitted in the particular PUD district.

...

**Table 5.16-1: Maximum Height**

Zoning District	Central City Area	All Other Areas
RA (all), RB (all)	75'	75'
MF (all)	75'	75'
O-1, O-2, C-1, C-2, C-3	75'	85'
C-4	85'	95'
C-5	95'	120'
O-3	85'	120'
I-1	110'	150'
I-2, I-1	150'	200'
<del>RCLD</del>	<del>n/a</del> 150'	200'

...

#### 5.18.7 STANDARDS FOR PWS FACILITIES AS CONDITIONAL USES

It is the intent of the City Commission to set forth standards for review, approval, approval with conditions, or disapproval of exceptions to the placement or construction of PWS facilities as permitted by right and the regulations which control the placement or construction of such facilities as contained in this article. These standards are instituted to provide an opportunity to place or construct a PWS facility, which under usual circumstances, could be detrimental to other land uses and cannot normally be permitted, but which may be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses, which protect the attractiveness, health, safety and property values of the community, which avoid the proliferation of visually obtrusive structures, and which promote the development of an advanced wireless communication infrastructure.

- a. Exceptions to the standards for the placement or construction of PWS facilities shall be considered as conditional uses. The conditional use procedure may be considered for the following:
  1. Requests for ground-mounted PWS facilities proposed to be located in residential, O-1, C-1, and ~~RCLD~~ zoning districts and within 2,000 feet of the lakes specified in Sub-Section 5.18.5.6.
  2. Requests for exceptions to specific standards established in this Article for maximum height; horizontal separation; separation from residential districts, limited-access highways (including frontage roads), arterial streets and highways and collector streets; and alternatives to the monopole type mount.



# Planning & Zoning Board Recommendation

Date:	October 4, 2021	Reviewer:	Todd Vargo
Project No:	LDC21-003	Applicant:	City of Lakeland
P&Z Hearing:	August 17, 2021	P&Z Final Decision:	September 21, 2021
Request:	Changes to Article 2 (Use Standards), and Article 5 (Standards for Specific Uses) to adopt development standards allowing for the use of shipping containers as dwelling units in Mobile Home (MH) and Multi-Family (MF) zoning districts and as accessory structures for certain commercial uses, amend standards for home-based businesses; clarify parking standards for boats, trailers, and RVs on residential property; and to revise development standards related to personal wireless services (PWS) facilities in Limited Development (LD) zoning districts.		

## 1.0 Background

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Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances or to clarify existing provisions. The proposed changes to Article 2 (Use Standards) and Article 5 (Standards for Specific Uses) allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses; amending standards for home-based businesses; clarifying parking standards for boats, trailers, and RVs on residential property; and revising development standards related to personal wireless (PWS) facilities in LD (Limited Development) zoning districts are included as Attachments “A,” “B,” “C,” “D,” and “E.”

### 1.1 Attachments

Attachment A: Article 2, Table 2.3-1 (Permitted Principal Uses) and Table 2.3-2 (Permitted Accessory Uses)

Attachment B: Article 5, Section 5.25, Shipping containers as Dwelling Units and Accessory structures for Certain Commercial Uses

Attachment C: Article 5, Section 5.22, Home-Based Businesses

Attachment D: Article 5, Section 5.17, Parking Standards for Boats, Trailers and RVs

Attachment E: Article 5, Section 5.18, PWS facilities in LD zoning districts

## 2.0 Discussion

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The first part of the proposed changes, included as Attachment “A,” addresses the correction of a minor error in Table 2.3-1 (Permitted Principal Uses) and changes to Table 2.3-2 (Permitted Accessory Uses). The error in Table 2.3-1 pertains to a footnote in the header row which has been revised to reference the correct requirement. The changes to Table 2.3-2, Permitted Accessory Uses, eliminate the reference to home offices and remove the restriction which limited home-based businesses to single-family detached dwelling units. These changes are further explained in the discussion for a companion amendment to Article 5.

The second part of this amendment, as shown in Attachment “B,” addresses the use of shipping containers as dwelling units and as accessory structures for certain commercial uses. Shipping

containers, which are intended for the intermodal transport of goods and materials, have become the subject of a trend in recent years in which they are reused and recycled for commercial and residential purposes. The proposed development standards within Article 5, Section 5.25, will allow for the use of shipping containers as dwelling units in Mobile Home Parks and multi-family zoning districts and as accessory structures for certain commercial uses.

Shipping containers are attractive for such uses because they are durable structures which are readily available and can be purchased new or used. As dwelling units, they are suitable for affordable housing units as a standard 8' x 40' shipping container can easily be converted to a small, one-bedroom dwelling. Combined together, two or more containers can be used to create larger two- or three-bedroom dwellings, high-end custom homes or multi-family housing in which multiple containers are designed and reengineered to create attractive rental housing for young adults, students and retirees. The proposed standards allow for the use of shipping containers in Mobile Home (MH) and Multi-Family (MF) residential zoning districts. To ensure that such structures are designed and placed in a manner compatible with the residential context in which they will be located, a Conditional Use Permit (CUP) will be required in order to use shipping containers as dwellings.

For commercial uses, the use of shipping containers will be limited to accessory structures for certain commercial uses when there is another permitted principal use on the property. Allowable uses include small-scale restaurant uses in which food is prepared for on-site or off-premises consumption, small-scale, retail sales of antiques, fresh, packaged and prepared foods, clothing, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods, and indoor hydroponic production of fruits, vegetables, flowers and herbs. By right, no more than one shipping container will be allowed as an accessory structure. For innovative projects such as food courts or retail incubator spaces, the use of two or more containers may be considered through a CUP. Shipping containers used for residential or commercial uses will have to meet both the Florida Building Code and the Florida Fire Prevention Code.

The third portion of the proposed changes, included as Attachment "C," addresses the recent preemption of the regulation of home-based businesses by the Florida Legislature through the approval of HB103. Under this legislation, local government agencies may not prohibit home-based businesses as long as they have no more than two employees or independent contractors and the parking generated by such business is not greater in volume than a residence where no business is conducted. Regulation of home-based businesses is limited to the parking of vehicles and trailers associated with the business, buffering and screen of any "heavy equipment" (defined as commercial, industrial, or agricultural vehicles, equipment, or machinery) and impacts such as noise, vibrations, heat, smoke, dust, glare, fumes, or noxious odors.

The fourth portion of this amendment, included as Attachment "D," clarifies where boats, trailers, and unoccupied motor homes may be parked on residential properties and where vehicles and trailers associated with home-based businesses may be parked and stored.

The last and final change, included as Attachment "E," consists of minor revisions to Section 5.18, Personal Wireless Service Facilities, to replace references to the RC (Rural Conservation) zoning district which was replaced by the LD (Limited Development) zoning district and to provide a maximum height for ground mounted personal wireless facilities within the LD zoning district in Table 5.16-1.

## 3.0 Recommendation

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### 3.1 Community & Economic Development Staff

The Community & Economic Development Department reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

### 3.2 The Planning & Zoning Board

This recommendation was approved by a 6—0 vote of the Board.

The Community & Economic Development Department reviewed this request and recommended the proposed changes to the Land Development Code.

#### Recommendation

It is recommended that the proposed changes to Article 2 and Article 5 of the Land Development Code, as described in Attachments “A,” “B,” “C,” “D,” and “E” be approved.



## ATTACHMENT "B"

### ARTICLE 5 – STANDARDS FOR SPECIFIC USES

#### **5.25 SHIPPING CONTAINERS AS DWELLING UNITS AND AS ACCESSORY STRUCTURES FOR CERTAIN COMMERCIAL USES**

##### 5.25.1 INTENT AND APPLICABILITY

It is the intent of this section to establish specific development allowing for the use of shipping containers as dwelling units and as accessory structures for certain commercial uses.

##### 5.25.1.1 Definitions

**Shipping Container:** A large, standardized container designed for intermodal transport of goods and materials that is without wheels and any vehicle chassis.

##### 5.25.1.2 Shipping Containers for Use as Dwelling Units

- a. Through the conditional use process, shipping containers may be used as dwelling units on properties located in MF (Multi-Family Residential) zoning districts and in existing or proposed mobile home parks that are zoned as part of a MH (Mobile Home) zoning district.
- b. All shipping containers used as dwelling units shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- c. The use of shipping containers as dwelling units shall be contingent upon certain architectural modifications being made to the exterior of the structures. Such modifications shall include the use of residential windows and doors, awnings, and finishing materials such stucco, fiber cement siding or other materials appropriate for the residential use.
- d. For shipping container dwellings proposed for use in mobile home parks, architectural elevations are required to illustrate the types of architectural treatments and finishing materials that will be used. A typical lot layout is also required to illustrate setbacks, off-street parking and any appurtenances that will be used such as carports and decks.
- e. For properties zoned for multi-family uses, a detailed site plan showing setbacks, building footprints, parking, and required landscaping and buffering is required. Architectural elevations shall also be provided to show the types of architectural treatments and finishing materials that will be used.
- f. All other development standards shall be in accordance with the underlying zoning district in which the property is located.

##### 5.25.1.3 Shipping Containers as Accessory Structures for Certain Commercial Uses

- a. All shipping containers used as accessory structures shall be installed on a permanent foundation and comply with the Florida Building Code and Florida Fire Prevention Code.
- b. Use as commercial accessory structures shall be limited to the following uses when permitted as a principal use in the underlying zoning district:
  1. Small-scale restaurants in which fresh food products are prepared on-site and sold directly to consumers for either on-premises or off-premises consumption.

2. Small-scale, specialty retail sales of antiques, fresh, packaged and prepared foods, cosmetics, clothing, gifts, toys, books, jewelry, small electronics, flowers, arts and crafts and other similar goods.
  3. Indoor hydroponic production of fruits, vegetables, flowers and herbs.
  4. Other uses not specifically listed when the Director of Community & Economic Development determines that the use is compatible with the surrounding uses.
- c. No more than one shipping container shall be installed per premises. The installation of two or more shipping containers for innovative commercial projects such as container food courts and other uses may be considered through a conditional use permit.
  - d. Shipping containers used as an accessory building for restaurant or retail sales uses shall be located in accordance with the setbacks applicable to the principal structure on the lot or parcel on which they are located.
  - e. Shipping containers used for hydroponic production shall be located in accordance with the setbacks for General Accessory Structures specified by Table 4.3-4.
  - f. Shipping containers used as accessory structures shall not be located within any required off-street parking spaces, vehicle driveways or drive aisles, fire lanes or pedestrian facilities.
  - g. Design and Performance Standards
    1. All shipping containers used as accessory structures shall be painted and maintained in good condition at all times with no visible structural damage, corrosion or graffiti.
    2. Shipping containers used for restaurant and retail uses shall be modified and enhanced through the use of architectural features such as commercial doors and windows, awnings, outdoor lighting, seating, and landscaping planters.
    3. Signage shall be limited to building mounted signs with a maximum sign area not to exceed 25 square feet per wall face and 50 square feet total.
    4. Any solid waste generated shall be collected and disposed using the solid waste collection bins serving the principal structure on the premises.

#### 2.6.4 ACCESSORY USES LISTED AND DEFINED

##### **Shipping Containers as Accessory Structures for Certain Commercial Uses in accordance with Sub-Section 5.25.1.3**



## ATTACHMENT "C"

### ARTICLE 5 – STANDARDS FOR SPECIFIC USES

#### 5.10 - ~~HOME OCCUPATIONS~~ HOME-BASED BUSINESSES

##### 5.10.1 INTENT AND APPLICABILITY

###### 5.10.1.1 Intent

~~Home occupations~~ home-based businesses are business that operate in whole or in part from a It is the intent of this section to provide minimum standards for ~~home occupations~~ home-based businesses in order to ~~promote mixed-use and to~~ ensure compatibility with surrounding land uses and as provided for in Section 559.955, Florida Statutes.

(Ord. No. 5455, 07-21-14)

###### 5.10.1.2 Applicability

Home occupations shall be conducted in accordance with these standards. Community Residential Homes and Family Day Care Homes as defined by Florida Statutes shall be permitted in residential zoning districts in accordance with applicable statutes and are not subject to the requirements of this section.

##### 5.10.2 HOME OCCUPATION TYPES

~~Home occupations are classified as Home Businesses or Home Offices and are described as follows:~~

###### ~~a. Home Business~~

###### ~~1. Permitted home business uses:~~

~~(a) Personal consultation or service. Examples: Barber, beautician, massage therapist, dietician/nutritionist, custom home builder, architect, financial planner, music teacher.~~

~~(b) Limited production and sale of art objects. Examples: Painter, potter, sculptor, photographer.~~

~~(c) Small item repair/service. Examples: Watch/clock repair, gunsmith, computer repair.~~

~~(d) Clothing services. Examples: Tailor, dressmaker, clothing alterations, sewing.~~

~~(e) Home Office uses as described below.~~

~~2. The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such use or uses are not detrimental to the quiet enjoyment of the residential district.~~

###### ~~b. Home Office~~

###### ~~1. Permitted home office uses:~~

~~(a) Production of intellectual property. Examples: Freelance writer, scriptwriter, commercial artist.~~

~~(b) Computer or on-line services. Examples: Web site designer, graphic designer, software developer, online sales.~~

~~(c) Office operations. Examples: Bookkeeping, payroll, purchasing.~~

2. ~~The Director of Community Development may allow other uses not specifically listed if he finds that the external impacts of such uses are not detrimental to the quiet enjoyment of the residential district.~~

c. ~~Prohibited Home Occupations~~

1. ~~The following are examples of occupations that are prohibited as home occupations:~~

- ~~(a) Adult uses.~~
- ~~(b) Motor vehicle sales, rental, service or repair.~~
- ~~(c) Small engine sales, service or repair.~~
- ~~(d) Appliance sales, service or repair.~~
- ~~(e) Machining, welding or working of metal.~~
- ~~(f) Woodworking.~~
- ~~(g) Sale or preparation of food items.~~
- ~~(h) Tattooing or body piercing.~~

2. ~~The Director of Community Development may prohibit other uses not specifically listed if he finds that the external impacts of such use or uses are detrimental to the quiet enjoyment of the residential district.~~

5.10.32 GENERAL STANDARDS FOR ALL HOME OCCUPATIONS/HOME-BASED BUSINESSES

- a. Only the person or persons maintaining the dwelling as their primary place of residence shall operate a home occupation. Employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
- b. The activities of the home-based business shall be secondary to the property's use as a residential dwelling. A home occupation shall home-based business may operate in a completely enclosed structure or a detached accessory structure. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- c. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business shall conform with the residential character and architectural aesthetics of the neighborhood. There shall be no external advertising, external display of goods, or any other external evidence of any home occupation home-based business, except for signage in accordance with [Section 4.9](#).
- d. No substances or materials shall be stored or used except as they would, in such quantity, be normal and acceptable in a residential setting. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, and disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
- e. Such occupation shall not result in any continuous, intermittent, pulsating or other noise or vibration that can be detected by a normal person off the premises. The business activities

shall comply with the City's Land Development Code and Code of Ordinances with respect to equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.

- f. ~~Home occupations~~ Home-based businesses shall meet all requirements of this Code pertaining to the parking of commercial vehicles as specified in Sub-Section 5.17.3.6. Parking related to the business activities of the home-based business shall comply with the general parking requirements within the Land Development Code and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Heavy equipment used in conjunction with the home-based business shall not be visible from the street or any neighboring property. For the purposes of this section, the term "heavy equipment" shall mean commercial, industrial, or agricultural vehicles, equipment, or machinery.

#### 5.10.4 SPECIFIC STANDARDS FOR HOME BUSINESSES

- a. ~~Not more than two clients, customers or business associates shall be present on the premises at any one time.~~
- b. ~~Signage shall be in accordance with [Section 4.9](#).~~
- c. ~~Over-the-counter sale of merchandise shall be limited to:~~
- ~~1. Items incidental to a permitted service. Example: Sale of hair care product by barber or beauty shop.~~
  - ~~2. Art objects or small specialty items made on the premises.~~
- d. ~~Hours of operation shall be not earlier than 8 am and not later than 9 pm.~~

#### 5.10.5 SPECIFIC STANDARDS FOR HOME OFFICES

- a. ~~There shall be no customer or business traffic to the premises other than occasional deliveries as would be normal in a residential setting.~~
- b. ~~There shall be no over-the-counter sale of merchandise.~~
- c. ~~The home office may involve the office operations of a business having non-office operations that are conducted elsewhere. In such cases, the home office may be the address of the business if otherwise permitted by law.~~

## 1.6 - DEFINITIONS

...

**Home-Based Business:** A business that operates, in whole or in part, from an improved residential property and meets the criteria in Section 559.955, Florida Statutes and the minimum standards in Section 5.10 of this code.

## ATTACHMENT "D"

### ARTICLE 5 – STANDARDS FOR SPECIFIC USES

#### **5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT**

...

##### 5.17.3.6 Parking of Commercial Vehicles and Commercial Trailers Regulated

It shall be unlawful for any person to park any commercial vehicle or commercial trailer on any residentially zoned tract, lot, piece or parcel of land within the city, except:

a. One commercial vehicle per dwelling unit shall be permitted provided each of the following requirements is met:

1. The Gross Vehicle Weight Rating (GVWR) of the commercial vehicle is less than 12,500 pounds.
2. The commercial vehicle is less than 80 inches wide.
3. The commercial vehicle is less than 26 feet in length.
4. The commercial vehicle has only two axles on the road.
5. The commercial vehicle is not equipped with air brakes, refrigeration equipment, hydraulic lifts, cranes, loading ramps, or similar equipment.

b. Sub-Section 5.17.3.6.a notwithstanding, the following commercial vehicles shall be prohibited on all residentially zoned tracts, lots, pieces or parcels of land within the city:

1. Semi-trucks and/or trailers, either as one unit or separately;
2. Wreckers and tow trucks;
3. Box trucks;
4. Dump trucks;
5. Bucket trucks.

c. Any vehicles and trailers used in conjunction with a home-based business shall be parked in legal parking spaces that are not located in the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

e-d. Any vehicle owned by a public or private utility provider, when used in the event of emergencies requiring immediate attention, shall be exempt from the requirements of this section.

## 1.6 - DEFINITIONS

...

**Yard, Required:** A yard between a lot line and the nearest principal building minimum setback line measured perpendicular to the lot line.

**Yard, Side:** A yard extending from the front yard to the rear yard between any building and the side lot line measured perpendicular to the side lot line.

**Yard, Street Side:** A yard extending the full width of a lot between any building and the street side lot line.

## 5.17 - PARKING AND STORAGE OF COMMERCIAL VEHICLES, BOATS, TRAILERS, AND CONSTRUCTION EQUIPMENT

...

### 5.17.3.5 Parking and Storage on Residential Property Permitted and Regulated

Parking of boats, unoccupied motor homes, or trailers (excluding semi-trailers), by any owner upon such owner's own residential premises, shall be permitted in any district; provided, however, that no sleeping, eating or living shall be permitted, nor shall any business be conducted in said motor home, boat or trailer while so parked or stored; and further provided, that such motor home, boat or trailer shall not be parked or located ~~between the principal building and~~ within any front or street-side ~~property line~~ yard as defined in Section 1.6 and Figure 1.6-10 of the Land Development Code.

ATTACHMENT “E”

5.18 - PERSONAL WIRELESS SERVICE FACILITIES

...

5.18.5 STANDARDS FOR GROUND-MOUNTED FACILITIES

5.18.5.1 General

a. Ground-mounted PWS facilities shall be permitted by right in the following zoning district classifications: O-2, O-3, C-2, C-3, C-4, C-5, I-1, I-2 and I-3. Ground-mounted PWS facilities may be permitted as conditional uses in the following zoning district classifications: RA-1, RA-2, RA-3, RA-4, RB, MF-12, MF-16, MF-22, MH, ~~RCLD~~, O-1, C-1. The determination as to whether a ground-mounted PWS facility is permitted by right or as a conditional use in the PUD zoning district classification shall be based on the conventional zoning district which most closely approximates the use or uses permitted in the particular PUD district.

...

Table 5.16-1: Maximum Height

Zoning District	Central City Area	All Other Areas
RA (all), RB (all)	75'	75'
MF (all)	75'	75'
O-1, O-2, C-1, C-2, C-3	75'	85'
C-4	85'	95'
C-5	95'	120'
O-3	85'	120'
I-1	110'	150'
I-2, I-1	150'	200'
<del>RCLD</del>	n/a <u>150'</u>	200'

...

#### 5.18.7 STANDARDS FOR PWS FACILITIES AS CONDITIONAL USES

It is the intent of the City Commission to set forth standards for review, approval, approval with conditions, or disapproval of exceptions to the placement or construction of PWS facilities as permitted by right and the regulations which control the placement or construction of such facilities as contained in this article. These standards are instituted to provide an opportunity to place or construct a PWS facility, which under usual circumstances, could be detrimental to other land uses and cannot normally be permitted, but which may be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses, which protect the attractiveness, health, safety and property values of the community, which avoid the proliferation of visually obtrusive structures, and which promote the development of an advanced wireless communication infrastructure.

- a. Exceptions to the standards for the placement or construction of PWS facilities shall be considered as conditional uses. The conditional use procedure may be considered for the following:
  1. Requests for ground-mounted PWS facilities proposed to be located in residential, O-1, C-1, and RCLD zoning districts and within 2,000 feet of the lakes specified in Sub-Section 5.18.5.6.
  2. Requests for exceptions to specific standards established in this Article for maximum height; horizontal separation; separation from residential districts, limited-access highways (including frontage roads), arterial streets and highways and collector streets; and alternatives to the monopole type mount.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 13.d.**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Cancel Second RTCM of February 2024**

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### **BACKGROUND/HISTORY:**

Town Council has annually considered the need for the 2nd meeting in February due to the President's Holiday. Last year's meeting was canceled. This year Council may wish to meet on February 26<sup>th</sup> to finalize any open items.

### **ATTACHMENTS:**

- None

### **ACTION:**

- Motion to cancel the second RTCM of February 2024.
- OR
- Motion to reschedule the second RTCM of February 2024 to February 26<sup>th</sup>.



# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 14.a.**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Town Hall and Historical House Location Discussion - CM Vail**

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### **BACKGROUND/HISTORY:**

Town Council has discussed building a new Town Hall at Malabar Community Park. Council has also discussed placing the Huggins Historical House at Malabar Community Park.

Staff is seeking a discussion to better determine the location of both buildings for future planning purposes.

### **ATTACHMENTS:**

Aerial map of Malabar Community Park.

Map showing proposed Town Hall location from 07/08/2023 RTCM presentation by Mayor Reilly.

### **ACTION:**

Discussion on the location of a future Town Hall and the Huggins Historical House.



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.



## New Malabar Town Hall

### Town Hall

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

### Benefits

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

### Disadvantage

- Expensive Cost

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 14.b.**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: SpringFest and Parks Discussion - CM Acquaviva**

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### **BACKGROUND/HISTORY:**

At the January 8<sup>th</sup> RTCM, Clerk Kohler provided Council an update about the Parks and Recreation Board. The Board met in December and voted unanimously to host a Trunk or Treat event on October 19<sup>th</sup>, 2024. They also indicated a desire to plan for a larger SpringFest event in 2025.

Also at the January 8<sup>th</sup> RTCM, Clerk Kohler provided Council with an update on the Parks and Recreation Board membership. At that meeting, CM Clevenger suggested giving the board a month or two to increase their membership before Council takes any action. CM Vail suggests promoting the vacancies aggressively, and combining the Parks and Recreation Board with the Trails and Greenways Committee if they can not fill their membership.

No action was taken at the January 8<sup>th</sup> RTCM.

### **ATTACHMENTS:**

None.

### **ACTION:**

Discussion on SpringFest and the Parks and Recreation Board.

# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 14.C.**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT: Table 1-3.3(A) review by Planning and Zoning Board – Mayor Reilly**

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### **BACKGROUND/HISTORY:**

The Planning and Zoning Board reviewed this table in their November 2023 meeting to discuss updating the Maximum Density. Mayor Reilly noted that the Table has other omissions, such as the minimum Sq. Ft. requirement for a Single Family Residence (SFR) in Residential/Limited Commercial.

Staff is requesting a motion to send the Table to the Planning and Zoning Board for review and possible addition of more inclusive language.

### **ATTACHMENTS:**

Table 1-3.3(A) of the Town of Malabar's Land Development Code.

### **ACTION:**

Motion to direct the Planning and Zoning Board to review and provide recommended changes to Table 1-3.3(A).

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (I)	Side (C)				

**Rural Residential Development**

RR-65	65,340	150	250	35/3	1,500	40	30	30	30	20	N/A	80	0.66
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**Traditional Single Family Residential Development**

RS-21	21,780	120	150	35/3	1,800	35	20	15	15	35	N/A	65	2.00
RS-15	15,000	100	120	35/3	1,500	30	20	15	15	45	N/A	55	2.904
RS-10	10,000	75	100	35/3	1,200	25	20	10	10	50	N/A	50	4.00

**Multiple Family Residential Development**

RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	4.00
RM-6	5 acres Minimum Site	200	200	35/3	Single Family:	25	20	10	10	50	n/a	50	6
					Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	60	40	40	40	50	n/a	50	6

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (I)	Side (C)				

**Mixed Use Development**

R/LC	20,000	100	150	35/3	Single Family:	25	20	10	10	50	n/a	50	4
					Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	50	25	10 <sup>4</sup>	20	65	n/a	35	6
					Commercial: 900						0.20		

**Mobile Home Residential Development**

R-MH	Site: 5 Acres Lot: 7000					10	8	8	10	50	N/A	50	6.00
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**Office Development**

OI	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	65	20	35	N/A
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**Commercial Development**

CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	25	4 <sub>3</sub> 10 <sub>15</sub>	20	65	0.20	35	N/A
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Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft.)(2)				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) w/Central Water & Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (I)	Side (C)				
					Min. Area: 900 Max. Area 4,000								
CG	20,000	100	150	35/3	Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	4 <sub>20</sub> 3 <sub>15</sub>	30	65	0.20	35	N/A
<b>Industrial Development</b>													
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 <sup>5</sup>	25 3 <sub>100</sub>	20 3 <sub>100</sub>	30 3 <sub>100</sub>	70	0.42	30	N/A
<b>Institutional Development</b>													
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	30	60	0.20 0.10 <sup>6</sup>	40	N/A
<b>Coastal Preservation</b>													
CP	No Size or Dimension Standards Adopted												



# TOWN OF MALABAR

## REGULAR TOWN COUNCIL MEETING

**AGENDA ITEM NO: 14.d.**  
Meeting Date: February 5<sup>th</sup>, 2024

Prepared By: Richard W. Kohler, Town Clerk

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**SUBJECT:** Discussion of Quiet Zones - Tabled

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### **BACKGROUND/HISTORY:**

At the January 8<sup>th</sup> RTCM, Clerk Kohler provided Council with information relating to Quiet Zones along the Florida East Coast Railway. The Transportation Planning Organization (TPO) held a workshop in December to provide information on the topic.

A Quiet Zone is an area of 1/4 mile on each side of a Railroad crossing which restricts the routine sounding of horns. All public authorities involved in a crossing would have to agree to a Quiet Zone. For Example, the Town of Malabar would be required to partner with the State of Florida Department of Transportation to request a Quiet Zone for the Malabar Road Crossing. The Only two railroad crossing in Malabar are Malabar Road (S.R. 514) and Jordan Blvd. Before a Quiet Zone can be approved, a thorough review process is completed, including but not limited to a Notice of Intent (NOI), Quiet Zone Calculator, Supplemental Safety Measures, and Warning Devices.

No action was taken at the January 8<sup>th</sup> RTCM. CM Hofmeister/CM Vail motioned to table continued discussion of the topic until a full Council was present. A motion to untable to item will be required before discussion can resume.

### **ATTACHMENTS:**

None.

### **ACTION:**

Motion to untable "Discussion of Quiet Zones".

# TOWN OF MALABAR

## COUNCIL MEETING

**AGENDA ITEM NO: 14.e**  
Meeting Date February 5, 2024

Prepared By: Lisa Morrell, Town Manager

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**SUBJECT: State Legislative Session Update**

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**BACKGROUND/HISTORY:**

The Florida League of Cities has been emailing updates of the current 2024 Session to all members of the Town Council and registered staff. Casey Cook's On tap at the Cap, Week 3, is attached for review and any discussion.

Kathryn Dolatowski of Pascoe County sent a mass notice statewide advising of issues that has arisen from last year's legislation that was enacted, Live Local.

'Pasco County Officials would like to provide information regarding the Live Local bill. The document summarizes two (2) major issues for local governments – loss of authority over zoning and ad valorem tax exemptions. While both are concerning, the latter carries more serious consequences. The bill is well intentioned; however, market rate rents have reached parity with 120% average median income (AMI) rents, which have incentivized new and existing apartment complexes to apply for these exemptions.'

Please review the attached summary from Pasco County Commissioner Starkey for any discussion from any Town Councilmember.

**ATTACHMENTS:**

Identified Policy Issues with the Live Local Act  
Casey Cook Florida League of Cities Week 3 Update

**FINANCIAL IMPACT:**

Ad Valorem Tax Revenue

**ACTION OPTIONS:**

Per Town Council discussion

## **Identified Policy Issues with the Live Local Act**

### **A. Concerns with Land Use/Zoning Preemption:**

1. The Live Local Act allows commercial and industrial sites that local governments have reserved for job creation to be administratively converted entirely to residential uses, which exacerbates jobs to housing deficits for some counties.
2. The Live Local Act may deter future economic development on reserved industrial sites, because many existing and prospective industrial businesses have expressed apprehension being located proximate to multi-family residential development.
3. In some cases, local governments have expended significant funds on infrastructure to support commercial and/or light industrial sites for job creation under the assumption that they would remain commercial and/or light industrial. The Live Local Act will not only cause these local governments to lose the jobs that would have been created on these sites, but it also results in the local government losing a significant portion of the ad valorem tax revenue that the local government was anticipating to recoup its infrastructure investment.
4. The Live Local Act forces local governments to provide residential services (schools, parks, libraries, public safety etc.) to sites where the local government may not have been anticipating a need for residential services.
5. In some rural and suburban counties, changing sites from commercial or industrial to residential may deprive residents of that county of the chance to “work local”, and force longer commute times.
6. Some of the issues identified above could have been mitigated by imposing a requirement that the multi-family residential be “mixed use” to retain a job generating component of the site, but the Live Local Act only requires this for municipalities that have less than 20 percent of their land area designated for commercial or industrial. Counties are not allowed to impose a mixed-use requirement, even if less than 20 percent of their land area is designated for commercial or industrial.
7. The land use/zoning preemption appears to impose an unfunded mandate for local governments to monitor the affordability of Live Local Act projects for 30+ years and does not identify any funding source for this purpose. In fact, the ad valorem tax exemption for these projects (discussed below) removes a potential funding source for this monitoring requirement.

### **B. Concerns with Mandatory Ad Valorem Tax Exemption:**

8. The mandatory property tax exemption in the Live Local Act (Section 196.1978(3), Florida Statutes) allows the “affordable” portion of Live Local Act projects to be fully or partially exempt from ad valorem taxes for a period of up to 35 years. This will have negative financial and public safety ramifications for those counties that are already underserved with public safety personnel (i.e. sheriff’s deputies and fire/rescue

personnel). New Live Local projects will generate additional needs for public safety services, and the mandatory property tax exemption exempts these Live Local projects from providing the ad valorem revenue needed to hire additional public safety personnel to serve these projects.

9. The mandatory property tax exemption will also negatively impact the local government's ability to provide other essential residential services to these Live Local Act projects and may place additional tax burdens on already stressed households and citizens on fixed incomes, by necessitating increased ad valorem taxes to offset the lost ad valorem revenue from Live Local Act projects.
10. The affordable housing "benefit" from the mandatory property tax exemption is questionable in many counties because the tax exemption is available to for profit apartment builders charging rents that are "affordable" to families making up to 120 percent of the annual adjusted gross income in the area. For some counties, these rents are over \$2,000 per month, which are at or above market rate rents. Teachers, firefighters, police officers etc. will still struggle to afford these rents.

### **C. Unaddressed Affordable Housing Solutions in the Live Local Act**

11. Inclusionary zoning and linkage fees are useful tools to increase the supply of affordable housing. The Live Local Act did not address the existing statutory barrier to inclusionary zoning and linkage fees in Section 125.01055(4), Florida Statutes, which requires local governments to "provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee."
12. The Live Local Act did very little to help increase the supply of single family (resident owned) affordable housing, which receives no benefits from the land use/zoning preemption and ad valorem tax exemptions in the Live Local Act.
13. The Live Local Act does not encourage or require density and height bonuses for affordable housing projects zoned for residential. Furthermore, if the goal of the Live Local Act was to increase the supply of available land for affordable housing, the Act provides no opportunity for local governments to get "credit" for the residentially zoned land that the local government makes available for affordable housing, and potentially reducing the amount of commercial and industrial land subject to the Act by increasing the supply of residentially zoned land that is earmarked for affordable housing.

**Lisa Morrell**

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**From:** Casey Cook, Chief of Legislative Affairs <mmetcalfe+flcities.com@ccsend.com>  
**Sent:** Friday, January 26, 2024 5:49 PM  
**To:** Lisa Morrell  
**Subject:** On Tap @ the Cap Week Three: Bills to Watch



**Week 3**  
**January 26, 2024**

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We hope you will join us for FLC Legislative Action Days on **January 29-31, 2024**. To RSVP, click [HERE](#). Contact **Mary Edenfield** if you have any questions or concerns.



**Stay Informed: A Recap of This Week's Top Stories:**

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**Bill Increasing Homestead Tax Exemption Moves Forward**

On Tuesday, [CS/HJR 7017](#) (Buchanan) passed in its second and final committee of reference on a vote of 13-6. The bill would apply an annual increase in exemption values by the Consumer Price Index percentages. CS/HJR 7017 is a constitutional amendment and would require the approval of the Florida Legislature and the voters of Florida. **CS/HJR 7017 is scheduled to be heard on the House floor on Thursday, February 1**. It is important to note that at this time, there is no Senate companion bill.

**CS/HB 7019** (Buchanan) is the implementing bill for CS/HJR 7017. The implementing bill was amended this week to require that the Legislature appropriate funds to offset reductions in ad valorem tax revenue experienced by fiscally constrained counties but does not extend to the municipalities within those counties. This bill should extend the offset of lost revenue to all municipalities from the adjustments to the homestead exemption or at least cap how much the exemptions will increase.

The League is **opposed**. CS/HJR 7017 will have a recurring and increasingly detrimental impact on local governments, year over year, putting essential services at risk.

This bill needs guardrails (like the Save Our Homes Assessment Limitation already in place) to prevent cities from having to choose between providing less services or raising taxes. This is not a tax break, this is a tax shift hurting renters and businesses.

Please educate your lawmaker as to the impact this bill will have on your community. We recommend working with your city manager and finance director to use your local data to paint this picture. (**Chapman**)

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### **Bills Relating to Millage Rates Pass Through First Committees**

On Monday, **SB 1322** (Ingoglia) and **CS/HB 1195** (Garrison) passed in their first committees of reference. The bills would require cities to have super-majority approval of the governing body to increase the millage rate. (**Chapman**)

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### **Land Use and Development Regulations Passes First Committee**

**CS/HB 1221** (McClain) and **SB 1184** (Ingoglia) are comprehensive bills relating to land use and development regulations. The bills amend various regulations relating to comprehensive plans. The bills amend definitions of intensity, density, urban service area and urban sprawl to promote the construction of additional single-family, two-family and fee simple townhomes. On Thursday, CS/HB 1221 passed its first committee of reference on a vote of 12-5. (**Cruz**)

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### **Short-Term Rental Bill Temporarily Postponed on the Senate Floor**

On Thursday, **CS/SB 280** (DiCeglie), relating to short-term rentals, was temporarily postponed on the Senate floor. The bill would limit what local governments can require as part of a local registration program and attempts to provide new enforcement measures to suspend or revoke licenses for noncompliance. The bill also contains additional accountability measures for advertising platforms and the Department of Business and

Professional Regulation. The bill maintains the grandfather for ordinances adopted prior to June 1, 2011.

As this bill advances to the Senate floor, we are anticipating an amendment that would grandfather existing ordinances adopted prior to 2015. If you've adopted a short-term rental ordinance within the past decade, it's crucial to contact your House and Senate legislators and advocate for a prospective grandfather date to preserve your current short-term rental regulations. The House companion, [HB 1537](#) (Griffitts), could be up in its first committee of reference on Thursday, February 1. [\(Wagoner\)](#)

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### **Government Accountability Bills Gain Momentum**

On Thursday, [CS/HB 735](#) (Andrade) passed its first committee of reference on a vote of 14-0. The bill requires all cities to have lobbyist registration requirements and limits the registration fee to \$40. It also prohibits a city manager or city attorney contract from being executed or renewed in the 8 months preceding the election of any member of the governing body. **The Senate companion, [SB 734](#) (Ingoglia), will be heard in its first committee of reference on Monday, January 29. [\(O'Hara\)](#)**

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### **Bill Dealing with Advanced Community Permitting Passes First Committee**

On Monday, [CS/SB 812](#) (Ingoglia) was heard in its first committee of reference and passed unanimously. The bill is a comprehensive bill dealing with the expedited approval of residential building permits. The bill would require counties with a population of 75,000 or more and municipalities with a population of 30,000 or more to create a program to expedite the process of issuing building permits for residential subdivisions. The bill was amended in committee to change the date of compliance from August 15, 2024, to October 1, 2024. The bill does include a few protections for cities, including an indemnification clause and a requirement for applicants to have a performance bond of up to 130%. [CS/HB 665](#) (McClain) is waiting to be heard in its second committee of reference. [\(Chapman\)](#)

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### **House Cybersecurity Liability Bill Passes First Committee – Senate Bill Up Next Week**

On Tuesday, [CS/HB 473](#) (Giallombardo) was heard in its first committee of reference and passed unanimously. The bill would exempt local governments from liability in connection with a cybersecurity event if the local entity is in compliance with the currently required trainings and standards. **The Senate companion, [SB 658](#) (DiCeglie), will be heard in its first committee of reference on Monday, January 29. [\(Wagoner\)](#)**

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## Several Bills to Take Center Stage Next Week:

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### **FLC Priority: Bills Relating to Alternative Mobility Funding Systems Up Next Week**

**HB 479** (Robinson, W.) and **SB 688** (Martin) attempt to clarify current law regarding mobility plans and mobility fees by stating that only one local government may charge for transportation impacts and that local government must be the one that is issuing the building permit. The League **supports** these bills.

#### **Action Needed:**

HB 479 will be heard in its last committee of reference, the House Commerce Committee, on Tuesday, January 30. Please contact members of the **House Commerce Committee** and express your support for the bill.

SB 688 will be heard in the Senate Transportation Committee on Tuesday, January 30. Please contact members of the **Senate Transportation Committee** and express your support for the bill. **(Cruz)**

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### **Senate Sovereign Immunity Bill Up Next Week**

**SB 472** (Brodeur) and **CS/HB 569** (McFarland) revise the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The bills seek to increase the current statutory limits for claims to \$400,000 per person and \$600,000 per-incident cap.

#### **Action Needed:**

SB 472 will be heard in its first committee of reference on Monday, January 29. Please contact members of the **Senate Governmental Oversight and Accountability**, and inform them of your opposition to the bill. **(Cruz)**

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### **Bill Relating to Local Government Actions Up Next Week**

**SB 1628** (Collins) and **HB 1547** (McClure) remove exemptions from the application of SB 170, relating to local ordinances and business impact estimates, passed in the 2023 Legislative Session. Ordinances adopting land development regulations, comprehensive plan amendments and zoning changes are no longer exempt from the ordinance suspension and business impact requirements in current law. **SB 1628 (Collins) will be heard in its first committee of reference, Senate Community Affairs, on Monday, January 29. (O'Hara)**

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### **Changes to the Live Local Act Up Next Week**

On Wednesday, [CS/SB 328](#) (Calatayud) will be heard in its second and final committee of reference. CS/SB 328 is a comprehensive bill that makes several revisions to the Live Local Act from the 2023 Session. The bill amends sections of the Live Local Act that deal with zoning, height and density. The bill also appropriates \$100 million to the Florida Hometown Heroes Housing Program. The House companion, [HB 1239](#) (Lopez, V.), is still waiting to be heard in its first committee of reference. ([Branch](#))

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### **Bill Restricting Enterprise Fund Transfers**

[SB 1510](#) (Brodeur) and [CS/HB 1277](#) (Busatta Cabrera) would prevent municipalities from realizing a reasonable rate of return on their utilities (water, wastewater, gas or electric) by capping transfers of utility revenues to fund general government services. The bills would also cut statutorily authorized surcharges on extraterritorial customers in half, starting in July 2025.

**We are anticipating that CS/HB 1277 will be up in the House Local Administration, Federal Affairs & Special Districts Subcommittee on Wednesday, January 31. ([O'Hara](#))**

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### **Bill Dealing with Municipal Water and Sewer Rates**

[CS/HB 777](#) (Brackett) and [SB 1088](#) (Martin) would prohibit local governments from charging extraterritorial surcharges for water and sewer services outside of their municipal boundaries. The bills would require rates, fees and charges for extraterritorial customers to be the same as those for customers inside the municipality.

**We are anticipating that CS/HB 777 will be up in the House Local Administration, Federal Affairs & Special Districts Subcommittee on Wednesday, January 31. ([O'Hara](#))**

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