



Planning and Zoning Board Meeting

Wednesday, October 25, 2023 at 6:00 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

APPROVAL OF MINUTES

- a. Approval of Minutes - None

5. PUBLIC COMMENTS
6. PUBLIC HEARING: 4

- a. Recommendation to Council: To Rezone Property known as 2760,2768,2770,2800 Malabar Road, Malabar FL 32950 AKA: Parcel ID # 28-38-31-54-D-4& 28-38-31-54-D-6 Malabar Road (NW Corner), From Residential/Limited Commercial (R/LC) to Commercial General (CG). (Ordinance 2023-06 & Ordinance 2023-07)

The Applicant is Kellwill, LLC represented by William (willy) Carmine.

Exhibit: Agenda Report Number 6a

Attachments:

- Agenda Report Number 6a (Agenda_Report_Number_6a.pdf)

- b. Recommendation to Council: For Site Approval of New Commercial Building property known as: 6795 Babcock Street, Malabar FL 32950 AKA: Parcel ID # 29-3710-00-318 Commercial General (CG) property 1.26 acres.

The applicant is Bowman Consulting Group (Zachary Komninos) representing property owner Mr. Robert Bareman.

Exhibit: Agenda Report 6.b

Attachments:

- Agenda Report 6.b (Agenda_Report_Number_6b.pdf)

- c. WITHDRAWN BY APPLICANT - Recommendation to Council: To Rezone property known as : 695 Malabar Road, Malabar FL 32950 AKA: Parcel ID # 29-37-03-2.01 property is 9.75 acres (property across from Palm Bay Hospital), From Office Institution (OI) to Planned Unit Development (PUD) mixed with Residential/Limited Commercial (R/LC).

WITHDRAWN BY APPLICANT - The applicant is MVB Engineering LLC for property owner Ms. Shamsad Begum of SJB LLC

WITHDRAWN BY APPLICANT - Exhibit: Amended Agenda Report 6.c

Attachments:

- **Amended Agenda Report Number 6c** (Amended_Agenda_Report_Number_6c.pdf)

d. Recommendation to Council: To Rezone property known as: 1080 US HWY 1, Malabar FL 32950 AKA: Parcel ID # 28-3831-253 & 255 property is 2.26 +/- acres (lying on the west side of US Hwy 1) From Residential/Limited Commercial (R/LC) to Commercial General (CG). (Ordinance 2023-08 & Ordinance 2023-09)

The applicant is MVB ENgineering LLC for property owners Robert B & Jill M Trettis.

Exhibit: Agenda Report 6.d

Attachments:

- **Agenda Report 6.d** (Agenda_Report_Number_6d.pdf)

7. ACTION ITEMS

8. DISCUSSION/POSSIBLE ACTION ITEMS

9. ADDITIONAL ITEMS FOR FUTURE MEETING

10. PUBLIC COMMENTS

11. OLD BUSINESS/NEW BUSINESS

a. Old Business

b. New Business

Board Member Comments

Next regular Meeting - June 26th, 2019

12. ADJOURNMENT

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 6.a.
Meeting Date October 25, 2023

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Kellwill LLC – Mr. Willy Carmine (Applicant) to Change Zoning & Land Use at Parcel ID # 28-38-31-54-D-4 & 28-38-31-54-D-6 Malabar Road (NW Corner), Malabar FL from R/LC (Residential/Limited Commercial) to CG (Commercial General)

BACKGROUND/HISTORY:

The Applicant KellWill, LLC has applied to change the Zoning and Land Use from Residential /Limited Commercial (R/LC) to Commercial General (CG) to have a continuance of Commercial Business for the sale of motor crafts located at: 2760,2768,2770,2800 aka: Parcel ID# 28-38-31-54-D-4 & 28-38-31-5-D-6 Malabar Road, Malabar. There is a total of 2.54 acres.

Mr. Carmine went through the rezoning process in June 2019 for the properties west of these parcels to the railroad tracks from Residential/Limited Commercial (R/LC) to Commercial General (CG), properties are currently joined together as noted on Brevard County Property Appraisers Site.

The Applicant plans to develop property in phases of building starting with a "display area" with a fence for motor crafts nicely landscaped, then eventually constructing a concrete structure in the distant future.

The property is currently zoned R/LC which is Residential /Limited Commercial wanting to change the property to CG (Commercial General) to match parcels in the existing area and current business located at 1300 Highway 1. There is a total of approximately 2.57 +/- acres on this parcel being discussed.

Mr. Carmine presently has an existing business located at 1300 Highway 1; Malabar called Route 1 Motorsports. Mr. Carmine is a long-time resident of this area and would like to add to his existing business.

Mr. Willy Carmine aka Kellwill, LLC will represent himself.

The property is located at: Parcel ID # 28-38-31-54-D-4 & 28-38-31-54-D-6 Malabar Road (NW side of Malabar Road), Malabar FL Malabar Road, Malabar FL 32950

Attached please find:

- Land Use Amendment and Zoning change Application -(2 pages)
- Brevard County Property Appraisers Information
- Public Notice
- Radius Map for 500' & letter
- Warranty Deed / Legal Description
- Portions of Article II & III District Provisions & Zoning Maps
- See attached a 11x17 Site Plan of Property

ACTION OPTIONS:

Discussion/ Suggested Action to Council

TOWN OF MALABAR
2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 – Telephone
(321) 727-9997 - Fax

Date: 4/19/23

No. _____

APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE TOWN OF MALABAR

APR 19 2023

RECEIVED

Before completing this application, please refer to the attached:

- General Information
- Section 1-12.5 - Procedures for Adopting, Supplementing or Amending the Land Development Code
- Florida Statutes, Chapter 166.041(c)
- Article III - District Provisions

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s): Kellwill LLC Telephone #: 321 626-1835
Mailing Address: 1300 US Hwy 1 Malabar FL 32950

Legal description of property covered by application:

Township: _____ Range: _____ Section: _____
Lot/Block: _____, Parcel Subdivision: Snedekers
Other Legal: _____

Property Address: 2760, 2768, 2770, 2900 - Malabar Rd 4.2 acres

- Current and Proposed Comprehensive Plan Land Use Map Designation. The current and proposed Comprehensive Plan Land Use Map designation for the subject property shall be identified: Current: R/LC Proposed: CG
- Current and Proposed Zoning. The current and proposed zoning for the subject property shall be identified: Current: R/LC Proposed: CG
- Existing and Proposed Use. The existing and proposed use of the subject property shall be stated: Current: R/LC Proposed: CG

Fees:

- Rezoning - \$325 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- Rezoning & Land Use Charges - \$625 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.

(*Additional costs may include, but are not limited to engineering fees, attorney fees, etc.)

Required Attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$ 1665.00 in check or money order payable to *Town of Malabar*. We do not accept cash or credit cards.
- Radius package from Brevard County P&Z GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office.

Town gets Radius

[Signature]
Signature of Applicant

Signature of Applicant

TOWN OF MALABAR
APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

APR 19 2023

RECEIVED

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a rezoning review of the property.

Please complete only one of the following:

I, _____, being first duly sworn, depose and say that I, _____, am the legal representative of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

Applicant Date

Applicant Date

Sworn and subscribed before me this _____ day of _____, 20_____.

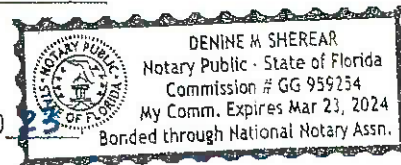
NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____.

I, William Carmine
William Carmine, being first duly sworn, depose and say that I, _____, am the Owner of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

William J. Carmine 4/19/23
Applicant Date

Applicant Date

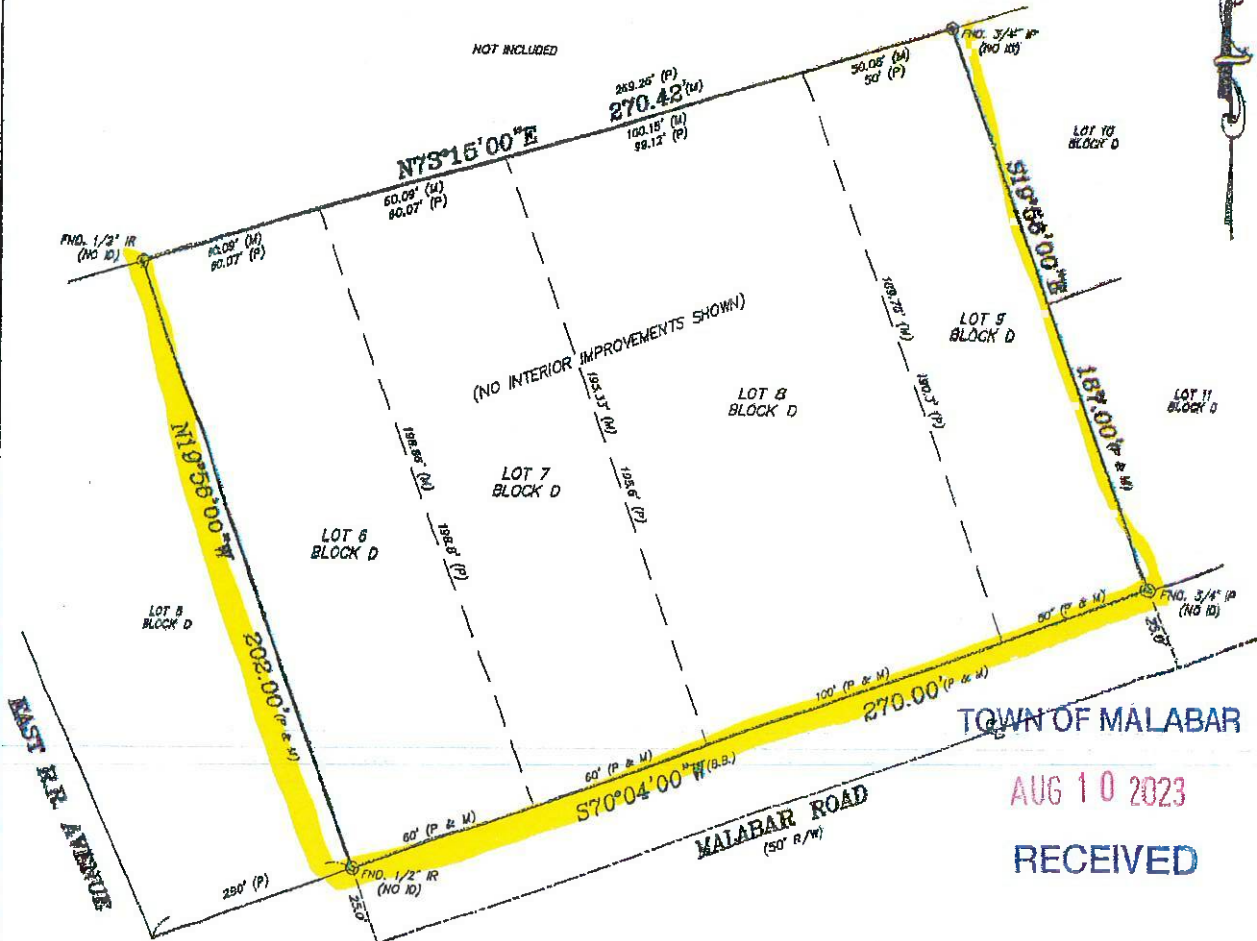


Sworn and subscribed before me this 19 day of April, 2023.

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: GG 959254 My Commission Expires: MAR 23, 2024

Denine M Sherear
Denine M Sherear



AUG 10 2023
RECEIVED

**Grading for stabilization and
Fencing to be permitted by Fence
Company.*

SURVEY PREPARED FOR:
DEANNE BIGGINS RAY

DESCRIPTION: LOTS 6-9, BLOCK D, SNEDEKERS SUBDIVISION OF MALABAR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 97, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO FLOOD INSURANCE RATE MAP #12028C 0814 G, DATED MARCH 17, 2014 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X (NAVD 88)

TYPE OF SURVEY:
BOUNDARY

SCALE: 1" = 40'

REVISION:
REVISION:
REVISION:
REVISION:
REVISION:
REVISION: UPDATE 07-18-18

FIELD DATE: 07-20-88

SECTION 31,
TOWNSHIP 38 SOUTH,
RANGE 38 EAST

PROJECT #1211

GENERAL NOTES:
1. THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
2. THIS SURVEY AND DRAWING IS FOR THE SOLE USE AND BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE AS NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON AN ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

LEGEND	
(B.B.)	- BASIS OF BEARING
(M)	- MEASURED
(P)	- PLAT
(D)	- DEED
(R)	- IRON ROD
(R.P.)	- IRON PIPE
(M.D.)	- NAIL AND DISC
(M.T.)	- NAIL AND TIN TAB
(C.M.)	- CONCRETE MONUMENT
(P.M.)	- PERMANENT REFERENCE MARK
(E.W.)	- EDGE OF WATER
(T.B.K.)	- TEMPORARY BENCHMARK
(D)	- DELTA
(R)	- RADIUS
(L)	- ARC LENGTH
(F.L.)	- FENCE
(C.H.)	- CHORD LENGTH
(P.O.B.)	- POINT OF BEGINNING
(P.C.)	- POINT OF CURVATURE
(P.T.)	- POINT OF TANGENCY
(P.I.)	- POINT OF INTERSECTION
(P.I.C.)	- POINT OF REVERSE CURVE
(R/W)	- RIGHT OF WAY
(B.S.L.)	- BUILDING SETBACK LINE
(O.W.)	- OVERHEAD WIRE
(E.P.)	- EDGE OF PARCEMENT
(P.U.)	- PUBLIC UTILITY EASEMENT
(O.E.)	- ORDNANCE EASEMENT
(E)	- ELEVATION
(F)	- FINISHED FLOOR
(C)	- CONCRETE
(R.C.P.)	- REINFORCED CONCRETE PIPE
(C.M.P.)	- CORRUGATED METAL PIPE
(C)	- CENTERLINE
(L.S.)	- LICENSED SURVEYOR
(P.L.S.)	- PROFESSIONAL LAND SURVEYOR

[Signature]
ANDREW W. POWSHOK
P.L.S. No. 5383

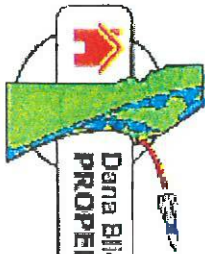
DANIEL D. GARNER
P.L.S. No. 8189

BREVARD COUNTY

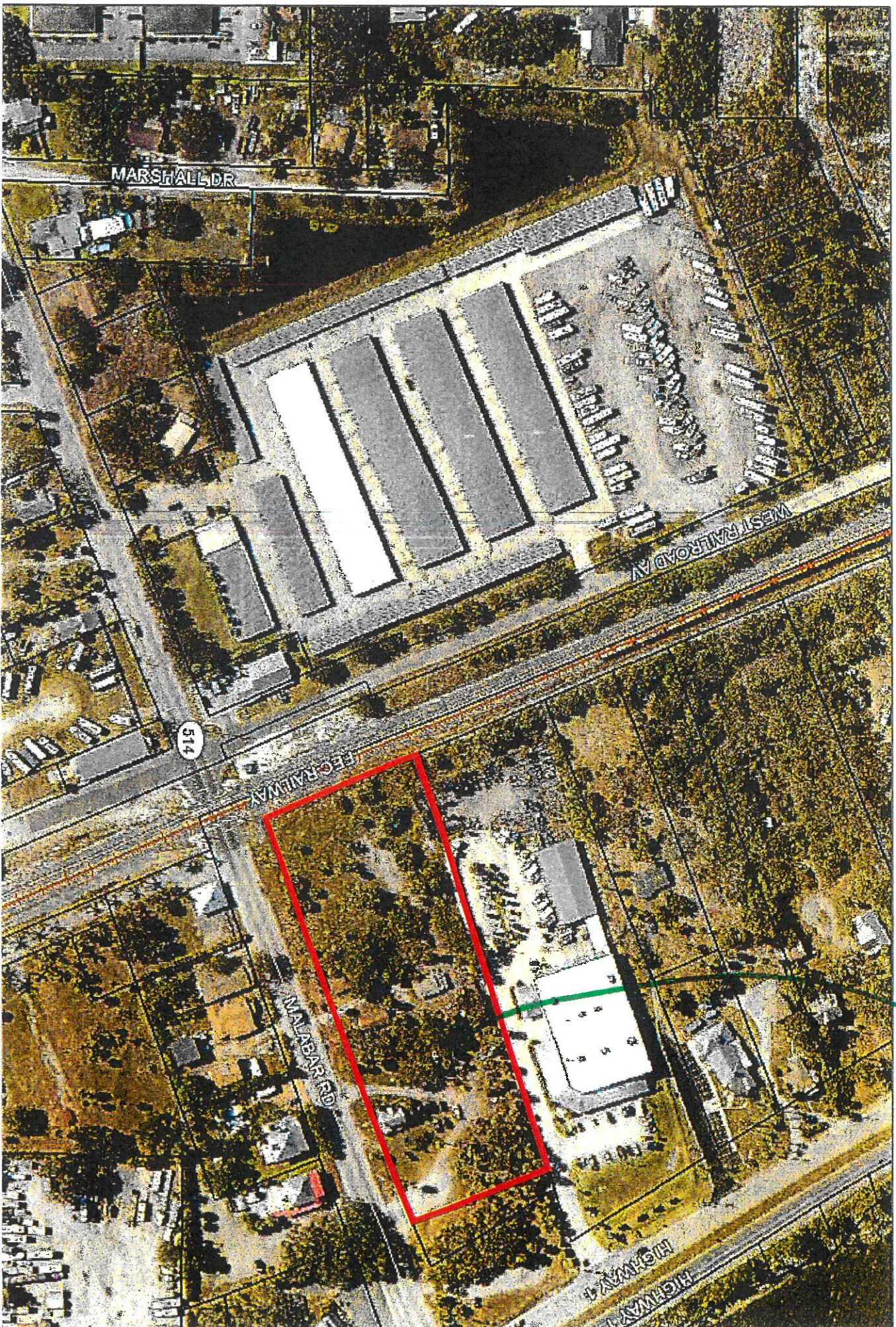
PROPERTY APPRAISERS

INFORMATION

FOR PROPERTY



Dana Blichley, CPA
PROPERTY APPRAISER
Brevard County

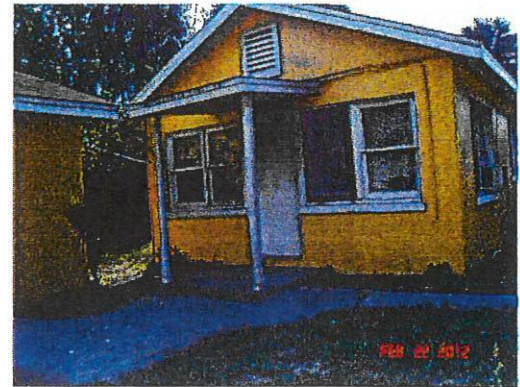


* Properties joined together *



REAL PROPERTY DETAILS
Account 2851105 - Roll Year 2023

Owners	KELLWILL LLC
Mailing Address	1300 S US HIGHWAY 1 MALABAR FL 32950
Site Address	2760 MALABAR RD MALABAR FL 32950 2768 MALABAR RD MALABAR FL 32950 2770 MALABAR RD MALABAR FL 32950
Parcel ID	28-38-31-54-D-4
Taxing District	3420 - MALABAR
Exemptions	NONE
Property Use	0839 - THREE OR FOUR LIVING UNITS - NOT ATTACHED
Total Acres	2.60
Site Code	0381 - MALABAR RD (SR514)
Plat Book/Page	0001/0097
Subdivision	SNEDEKERS SUBD OF MALABAR
Land Description	SNEDEKERS SUBD OF MALABAR LOTS 1 THRU 9, 12 & 13 BLK D TOGETHER WITH PART OF VAC EAST RAILROAD AVE LYING N & ADJ TO LOTS 2 & 12 AS DESC IN ORB 8466 PG 2802



VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$300,940	\$88,380	\$83,300
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$300,940	\$88,380	\$83,300
Assessed Value School	\$300,940	\$88,380	\$83,300
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$300,940	\$88,380	\$83,300
Taxable Value School	\$300,940	\$88,380	\$83,300

SALES / TRANSFERS

Date	Price	Type	Instrument
06/26/2021	\$310,000	WD	9182/2908
12/12/2016	-	QC	7797/2523
08/27/2008	-	QC	7226/1296
08/01/1982	\$38,500	WD	2383/0645
04/01/1978	\$29,500	-	1874/0902
06/01/1974	\$265,000	--	1451/0342

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
Exterior Wall:	STUCCO	Year Built	1941
Frame:	MASNRYCONC	Story Height	8
Roof:	ASPH/ASB SHNGL	Floors	1
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	704	Outbuilding	240
Open Porch	15	Outbuilding	12
Open Porch	25		
Total Base Area	704		
Total Sub Area	744		

PROPERTY DATA CARD #2

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
Exterior Wall:	STUCCO	Year Built	1941
Frame:	MASNRYCONC	Story Height	8
Roof:	ASPH/ASB SHNGL	Floors	1

Materials		Details	
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	480	Covered Patio	132
Total Base Area	480	Enclosed Room	140
Total Sub Area	480		

PROPERTY DATA CARD #3

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
Exterior Wall:	PAINTED EXTERIOR	Year Built	1941
Frame:	MASNRYCONC	Story Height	8
Roof:	ASPH/ASB SHNGL	Floors	1
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	630	Outbuilding	24
Open Porch	16		
Total Base Area	630		
Total Sub Area	646		

PROPERTY DATA CARD #4

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
Exterior Wall:	HRDYBRD SIDING	Year Built	1926
Frame:	WOOD FRAME	Story Height	8
Roof:	SHEET METAL	Floors	2
Roof Structure:	HIP/GABLE	Residential Units	1
		Commercial Units	
Sub-Areas		Extra Features	
Base Area (1st)	916	Patio - Concrete	158
Base Area (2nd)	500	Fireplace	1
Open Porch	10		
Screen Porch	60		
Utility Room	36		
Total Base Area	1,416		
Total Sub Area	1,522		

PUBLIC

NOTICE



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

October 10, 2023

To: brelegals@gannett.com

From: Richard Kohler, Town Clerk, and Town of Malabar
townclerk@townofmalabar.org

Please place the following legal notice **one** times in your paper; on **Wednesday, October 11, 2023**. Please put the heading in **BOLD** font. Please send proof via email to: townclerk@townofmalabar.org and mail ONE affidavit to 2725 Malabar Road, Malabar, FL 32950.

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARING**

The Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Wednesday October 25, 2023, at 6:00PM to consider request from the property owner Kellwill LLC (Willy Carmine) for a Zoning Map change/ Land Use from Residential/Limited Commercial (R/LC) to Commercial General (CG), Malabar FL 32950 AKA Parcel ID # 28-38-31-54-D-4 AKA 2760,2768,2770 Malabar Road, Malabar FL 32950

The Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar, Florida on Monday November 6, 2023, at 7:30PM or as soon thereafter as the matter can be heard, to conduct a public hearing on the same request and to consider the recommendation from Planning and Zoning Board. The zoning/land use change is Ordinance 2023-09.

Copies of this document are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar FL 32950 or appear and be heard at these meetings of the Planning and Zoning Board and Town Council with respect to this topic.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-4464 Richard Kohler, Town Clerk.

**RADIUS MAP
PACKAGE
&
LETTER**

RADIUS MAP

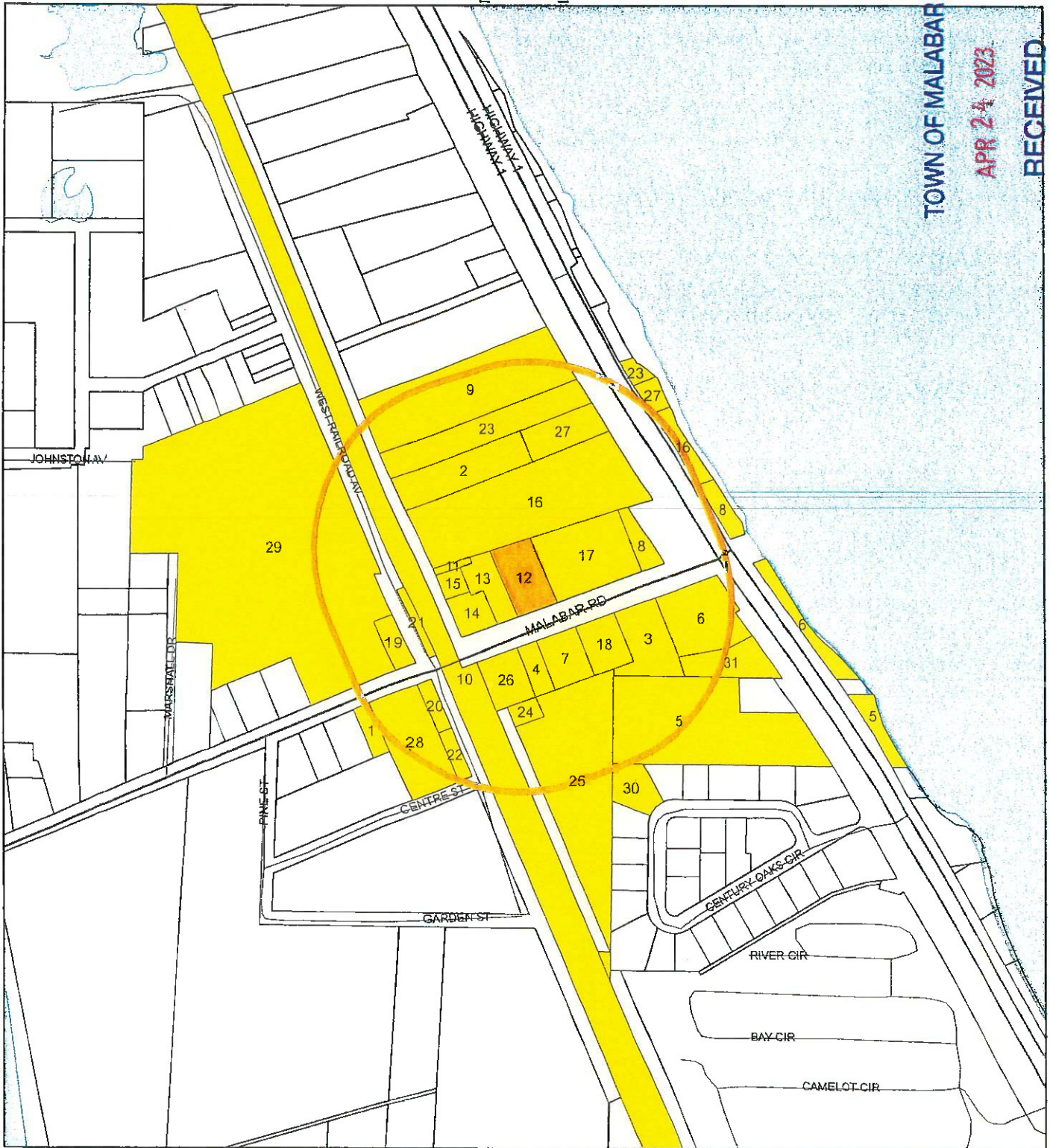
KELLWILL LLC

Denine_Sherear_2851105

TOWN OF MALABAR

APR 24 2023

RECEIVED







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/24/2023

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

BROTHERS FAMILY REVOCABLE
LIVING TRUST
5235 SUTTON AVE
MELBOURNE FL 32904-5170

BROWN, LOUISE E TRUSTEE
PO BOX 500151
MALABAR FL 32950-0151

CARMINE LLC
PO BOX 600835
MALABAR FL 32950-0835

COCHRANE, PAULINE
COCHRANE, ROY
PO BOX 500833
MALABAR FL 32950-0833

DEBRA & CARL CHAPMAN REVOCABLE
TRUST
1410 HIGHWAY 1
MALABAR FL 32950-

DEVVRAT CORPORATION INC
1360 HIGHWAY 1
MALABAR FL 32950-

EASTON, RICHARD
8514 DAMASCUS DR
PALM BEACH GARDENS FL 33418-6014

EDGER PROPERTIES LLC
PO BOX 950847
LAKE MARY FL 32795-0847

EMERALD ALFA LLC
199 COLLINGS SE ST SE
PALM BAY FL 32909-4730

FLORIDA EAST COAST RAILWAY LLC
7150 PHILIPS HWY
JACKSONVILLE FL 32256-6802

KELLWILL LLC
1300 S US HIGHWAY 1
MALABAR FL 32950-4413

KEMMLER, HANSEL C
KEMMLER, BARBARA B
2785 MALABAR RD
MALABAR FL 32950-

LAWRENCE, FITZGERALD
LAWRENCE, MARIA
2728 MALABAR RD
MALABAR FL 32950-4411

MALABAR, TOWN OF
2725 MALABAR RD
MALABAR FL 32950-

MAYNARD, SHARON L
3336 FINOLA SE AVE SE
PALM BAY FL 32909-1321

PROCTOR, DOUGLAS K
2460 MALABAR ROAD
MALABAR FL 32950-

ROBIN, RONALD M, JR
4283 TURTLE MOUND RD
MELBOURNE FL 32934-8591

SROA 1450 W RAILROAD FL LLC
324 DATURA ST, STE 338
WEST PALM BEACH FL 33401-5417

SROA 2700 MALABAR FL LLC
324 DATURA ST, STE 338
WEST PALM BEACH FL 33401-5417

TOOD, BRITNEY BETH
2928 CENTURY OAKS CIR
MALABAR FL 32950-

WORTHY PROPERTIES LLC
6475 S US HIGHWAY 1
GRANT FL 32949-2217

TOWN OF MALABAR
APR 24 2023
RECEIVED

RADIUS MAP

KELLWILL LLC

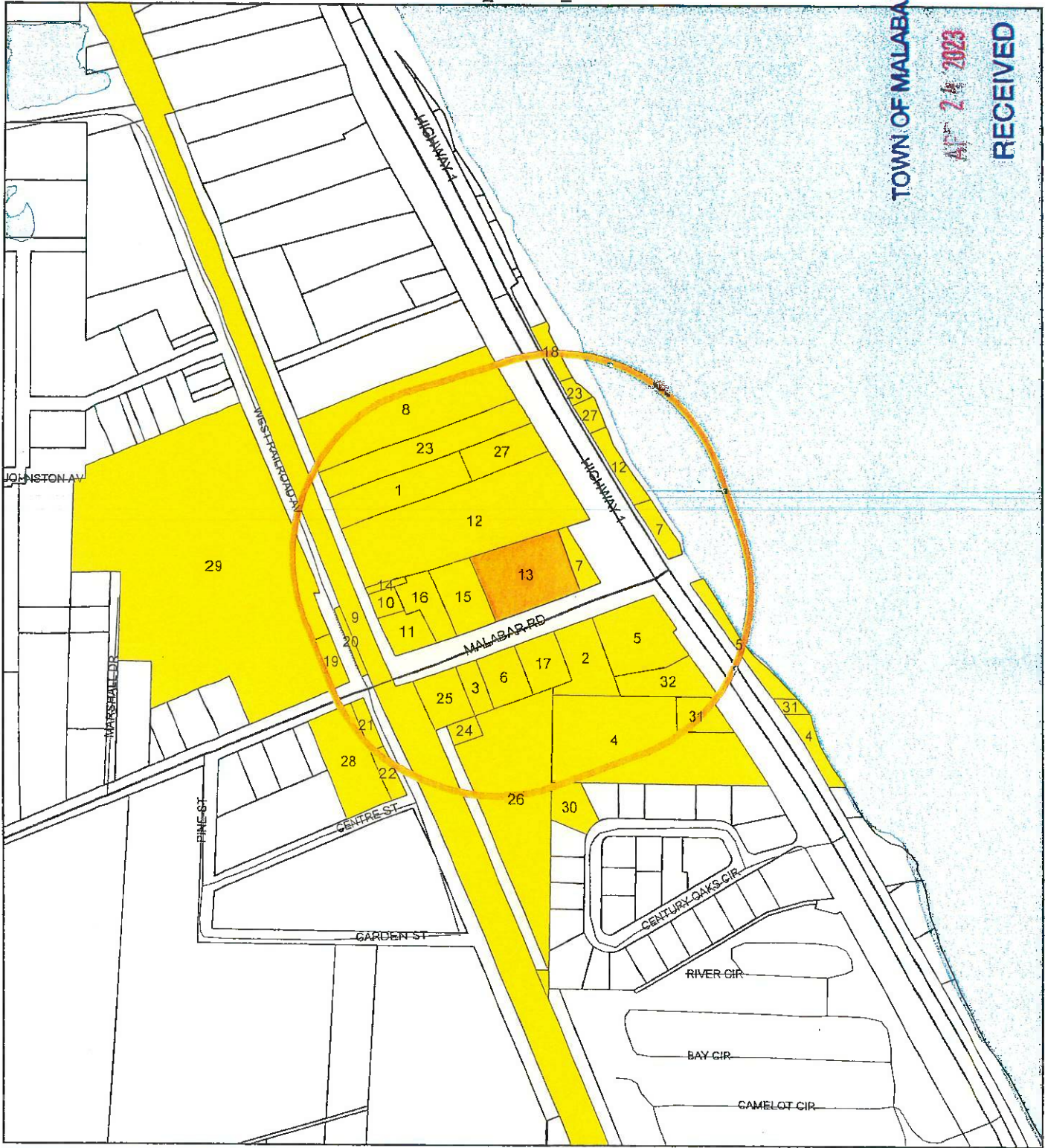
Denine_Sherear_2851106

1

TOWN OF MALABAR

APR 24 2023

RECEIVED







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by BoCC - GIS Date: 4/24/2023

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

BROWN, LOUISE E TRUSTEE
PO BOX 500151
MALABAR FL 32950-0151

CARMINE LLC
PO BOX 600835
MALABAR FL 32950-0835

COCHRANE, PAULINE
COCHRANE, ROY
PO BOX 500833
MALABAR FL 32950-0833

DEBRA & CARL CHAPMAN REVOCABLE
TRUST
1410 HIGHWAY 1
MALABAR FL 32950-

DEVVRAT CORPORATION INC
1360 HIGHWAY 1
MALABAR FL 32950-

EASTON, RICHARD
8514 DAMASCUS DR
PALM BEACH GARDENS FL 33418-6014

EDGER PROPERTIES LLC
PO BOX 950847
LAKE MARY FL 32795-0847

EMERALD ALFA LLC
199 COLLINGS SE ST SE
PALM BAY FL 32909-4730

FLORIDA EAST COAST RAILWAY LLC
7150 PHILIPS HWY
JACKSONVILLE FL 32256-6802

KELLWILL LLC
1300 S US HIGHWAY 1
MALABAR FL 32950-4413

KEMMLER, HANSEL C
KEMMLER, BARBARA B
2785 MALABAR RD
MALABAR FL 32950-

KRIEGER, DONALD E
2345 LINEBERRY LANE
MALABAR FL 32950-

LAWRENCE, FITZGERALD
LAWRENCE, MARIA
2728 MALABAR RD
MALABAR FL 32950-4411

MALABAR, TOWN OF
2725 MALABAR RD
MALABAR FL 32950-

MAYNARD, SHARON L
3336 FINOLA SE AVE SE
PALM BAY FL 32909-1321

PROCTOR, DOUGLAS K
2460 MALABAR ROAD
MALABAR FL 32950-

ROBIN, RONALD M, JR
4283 TURTLE MOUND RD
MELBOURNE FL 32934-8591

SROA 1450 W RAILROAD FL LLC
324 DATURA ST, STE 338
WEST PALM BEACH FL 33401-5417

SROA 2700 MALABAR FL LLC
324 DATURA ST, STE 338
WEST PALM BEACH FL 33401-5417

TOOD, BRITNEY BETH
2928 CENTURY OAKS CIR
MALABAR FL 32950-

WORTHY PROPERTIES LLC
6475 S US HIGHWAY 1
GRANT FL 32949-2217

TOWN OF MALABAR

APR 24 2023

RECEIVED



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

TOWN OF MALABAR NOTICE OF PUBLIC HEARING

The Malabar Planning and Zoning Board will hold a Public Hearing on Wednesday October 25, 2023 @ 6PM for Recommendation to Town Council on November 6, 2023 @ 7:30PM.

The applicant is Willy Carmine AKA Kellwill LLC, approval of Comp Map change from Residential/ Limited Commercial (R/LC) to Commercial General (CG) & Site Plan for use of property to display motor crafts on open property adjacent to existing business "Route One 1 Motor Sports".

ORDINANCE 2023-09

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RECLASSIFYING THE COMP PLAN MAP AND REZONING THE PROPERTY AS FOLLOWS:
2760,2768,2770,2800 MALABAR ROAD, & TOWNSHIP AKA THE 2.60 ACRES LYING IN TOWNSHIP 28, RANGE 38, SECTION 31, LOT 54.D-4 & TOWNSHIP 28, RANGE 38, SECTION 31, LOT 54-D-6 LYING ON NORTH SIDE OF MALABAR ROAD, FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); FOR THE PARKING OF MOTORCRAFTS OUTSIDE SITE PLAN TO BE DONE IN STAGES PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDING AN EFFECTIVE DATE.

All interested citizens are encouraged to attend and offer comments. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764 Richard Kohler Town Clerk.

Dear Property Owner,

If you receive this notice then you are listed as an owner of property, as shown in the records of the County Property Appraiser's office, within 500' of the project site. This Notice is provided as required by Malabar Code Chapter 2, Section 2-240.6. a. You are invited to attend or submit your comments before the meeting to the TownClerk@townofmalabar.org

LEGAL DESCRIPTION

&

WARRANTY DEED

Prepared by and Return To:
Nina Williams, an employee of
Prestige Title of Brevard, LLC
5120 N US Highway 1, Suite 103
Palm Shores, FL 32940
File Number: 21-17789

General Warranty Deed

Made this 18 day of May, 2021 By Deanne Huggins Ray, a married woman joined by her husband Steven D. Ray, whose address is: P.O. Box 500036, Malabar, FL 32950, hereinafter called the grantor, to Kellwill LLC, a Florida Limited Liability Company whose post office address is: 1300 US Hwy 1, Malabar, FL 32950, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, Florida, viz:

Lots 6, 7, 8, and 9, Block D, Map of Snedeker's Subdivision of the Town of Malabar, according to the plat thereof as recorded in Plat Book 1, Page 97, of the Public Records of Brevard County, Florida.

Parcel ID Number: 28-38-31-54-D-6

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 the 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 the 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, 2020

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Nina Williams
Witness Signature
Printed Name: Nina Williams

Deanne Huggins Ray
Deanne Huggins Ray
Address:
P.O. Box 500036
Malabar, FL 32950

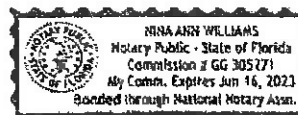
Steven D. Ray
Steven D. Ray

Brian Magley
Witness Signature
Printed Name: BRIAN MAGLEY

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this 18 day of May, 2021, by Deanne Huggins Ray and Steven D. Ray who is/are () personally known to me or () produced driver license as identification.

Nina Williams
Notary Public
Print Name: Nina Williams
My Commission Expires: 6/16/2023



Prepared by and Return To:
Nisa Williams, an employee of
Prestige Title of Brevard, LLC
5120 N US Highway 1, Suite 103
Palm Shores, FL 32940
File Number: 21-17867

General Warranty Deed

Made this 26 day of June, 2021 By Richard H. Easton a/k/a Richard Easton, a single man, whose address is: 8514 Damascus Drive, Palm Beach Gardens, FL 33418, hereinafter called the grantor, to Kellwill LLC, a Florida Limited Liability Company whose post office address is: 1300 US Hwy 1, Malabar, FL 32950, hereinafter called the grantees:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantees, all that certain land situate in Brevard County, Florida, viz:

Lots 4 and 5, Block D, Map of Snedekers Subdivision of the Town of Malabar, according to the plat thereof, as recorded in Plat Book 1, Page 97, of the Public Records of Brevard County, Florida.

Parcel ID Number: 28-38-31-54-D-4

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 grantees that the 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 the 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, 2020

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in my presence:

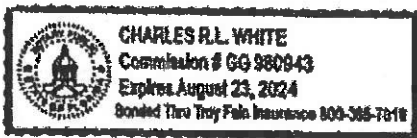
[Signature]
Witness Signature
Printed Name: CHARLES R. L. WHITE

[Signature]
Richard H. Easton a/k/a Richard Easton
Address:
8514 Damascus Drive
Palm Beach Gardens, FL 33418

[Signature]
Witness Signature
Printed Name: RACHEL MASON

State of FLORIDA
County of PALM BEACH

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization this 26 day of June, 2021, by Richard H. Easton a/k/a Richard Easton who is/are () personally known to me or () produced driver license as identification.



[Signature]
Notary Public
Print Name: CHARLES R. L. WHITE
My Commission Expires: 8/23/24

TOTAL
8,571

TOWN OF MALABAR
PORTIONS OF

CODES
FOR LAND DEVELOPMENT

- **ARTICLE II & III**
 - **MAPS**

guests, in which ten (10) or more rooms are furnished for the accommodation of such guests; and which may have as an accessory use one or more dining room areas.

8. *Limited Commercial Activities.* Small limited item shops and stores limited to retail sales of personal service items, including small convenience items or services typically needed on a frequent and recurring basis. This land use classification is intended to accommodate shops with limited inventory serving: (1) a household market area in the immediate vicinity as opposed to citywide or region; (2) a specialized market with customized service demand; or (3) a tourist oriented market area in the immediate vicinity. This classification is intended to include the following:

Bait and Tackle Shop.
 Barber and Beauty Shops.
 Book and Stationary Stores.
 Candy and Ice Cream Stores.
 Clothiers.
 Drug Stores and Pharmacies.
 Dry Cleaning and Laundry Pick-Up Substations and Self-Service Facilities.
 Florists.
 Gift Shops.
 Hobby and Handicraft Shops.
 Interior Decorators.
 Jewelry Stores.
 Meat Shops.
 Novelty and Curio Shops.
 Optical Stores.
 Photo Supplies and Studios.
 Shoe Repair Shops.
 Tailors or Seamstress.

Other similar limited commercial activities conducted in a fully enclosed building which are approved by Town Council after receipt of a recommendation from the Planning and Zoning Board. Prior to approving any such "similar" use, the Town Council shall render a finding that the use is similar to the uses identified herein and will produce impacts similar in nature to impacts generated by those activities specifically permitted herein. The burden of proof resides with the applicant. The procedures and criteria for review of such "similar" uses shall be as cited in the following section, § 1-2.6 [1-2.7]. The use shall comply with criteria cited in the above definition of limited commercial activities and shall not include more intense general retail sales and services. The procedures and criteria for review of other similar limited commercial activities shall be as cited in the following section, § 1-2.6 [1-2.7].

guests, in which ten (10) or more rooms are furnished for the accommodation of such guests; and which may have as an accessory use one or more dining room areas.

8. Limited Commercial Activities. Small limited item shops and stores limited to retail sales of personal service items, including small convenience items or services typically needed on a frequent and recurring basis. This land use classification is intended to accommodate shops with limited inventory serving: (1) a household market area in the immediate vicinity as opposed to citywide or region; (2) a specialized market with customized service demand; or (3) a tourist oriented market area in the immediate vicinity. This classification is intended to include the following:

- Bait and Tackle Shop.
- Barber and Beauty Shops.
- Book and Stationary Stores.
- Candy and Ice Cream Stores.
- Clothiers.
- Drug Stores and Pharmacies.
- Dry Cleaning and Laundry Pick-Up Substations and Self-Service Facilities.
- Florists.
- Gift Shops.
- Hobby and Handicraft Shops.
- Interior Decorators.
- Jewelry Stores.
- Meat Shops.
- Novelty and Curio Shops.
- Optical Stores.
- Photo Supplies and Studios.
- Shoe Repair Shops.
- Tailors or Seamstress.

Other similar limited commercial activities conducted in a fully enclosed building which are approved by Town Council after receipt of a recommendation from the Planning and Zoning Board. Prior to approving any such "similar" use, the Town Council shall render a finding that the use is similar to the uses identified herein and will produce impacts similar in nature to impacts generated by those activities specifically permitted herein. The burden of proof resides with the applicant. The procedures and criteria for review of such "similar" uses shall be as cited in the following section, § 1-2.6 [1-2.7]. The use shall comply with criteria cited in the above definition of limited commercial activities and shall not include more intense general retail sales and services. The procedures and criteria for review of other similar limited commercial activities shall be as cited in the following section, § 1-2.6 [1-2.7].

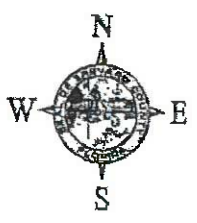
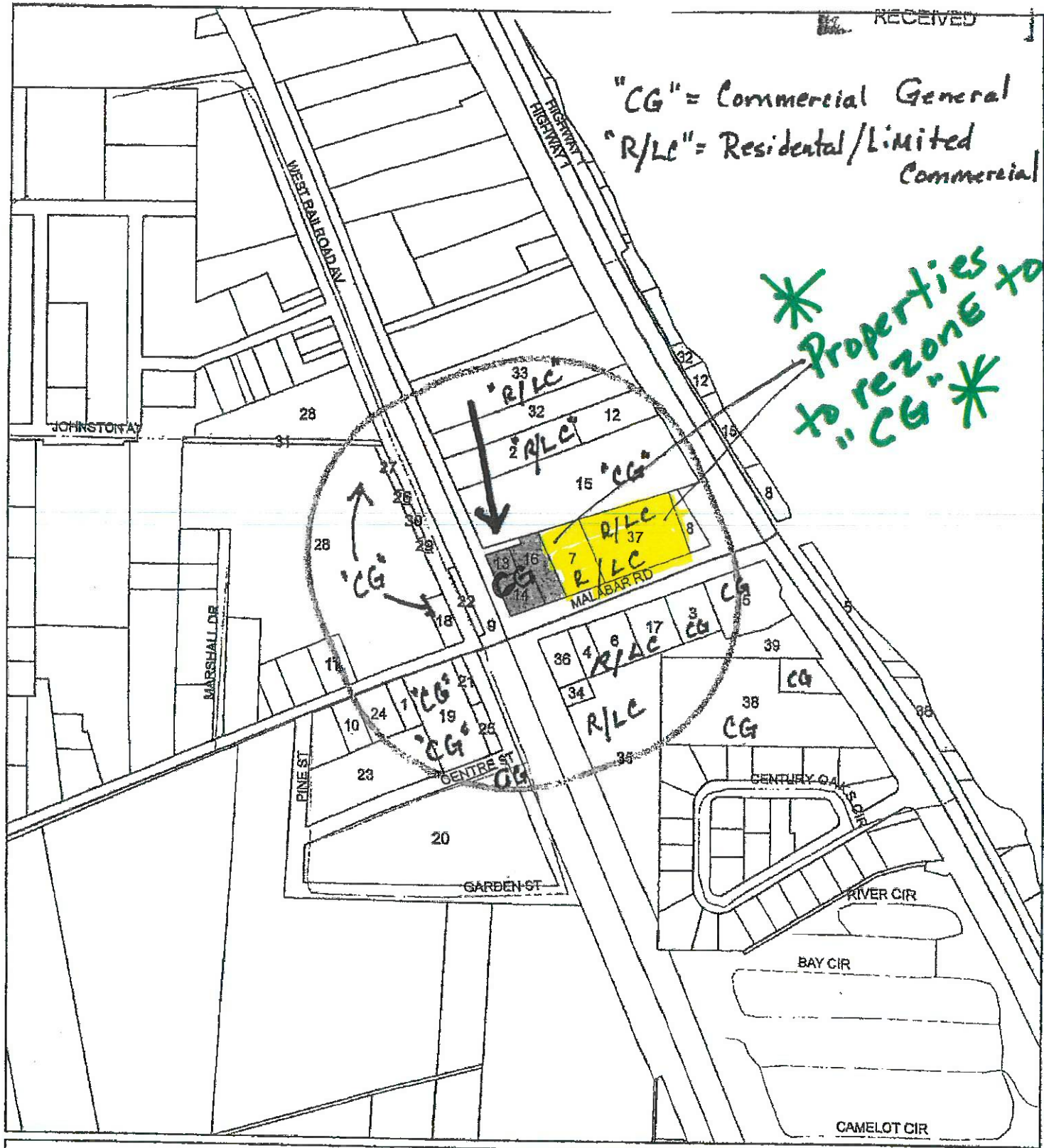
- Accommodate only office buildings and institutional land uses and shall expressly exclude residential uses (except those Community Facilities defined as Nursing Homes and Related Health Care Facilities in 1-2.6.B.10(B)), general retail sales and services, warehousing, and outside storage; and
 - Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.
 - A Malabar Vernacular Style is required for all development along arterial roadways.
- J. *INS "Institutional Services."* The INS district is established to implement comprehensive plan policies for managing institutional development. The district is intended to accommodate public and semi-public facilities such as government administration buildings; fire, police, and rescue services; health care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this district.
- K. *CL "Commercial Limited."* The CL district is established to implement comprehensive plan policies for managing limited commercial development accessible to major thoroughfares near residential neighborhoods. Such development is intended to provide essential household services in locations highly accessible to residential areas. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets:
- Neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional market; or
 - A specialized market with customized market demands.
 - A Malabar Vernacular Style is required for all development along arterial roadways.

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

- L. *CG "Commercial General."* The CG district is established to implement comprehensive plan policies for managing general commercial development. The general commercial

"CG" = Commercial General
"R/LC" = Residential/Limited Commercial

* Properties to rezone to "CG" *







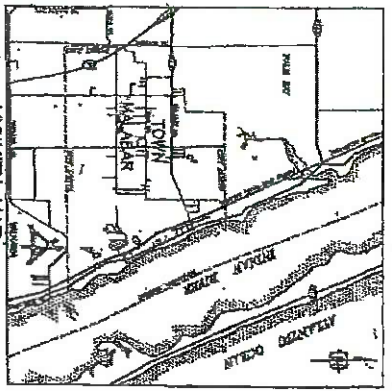
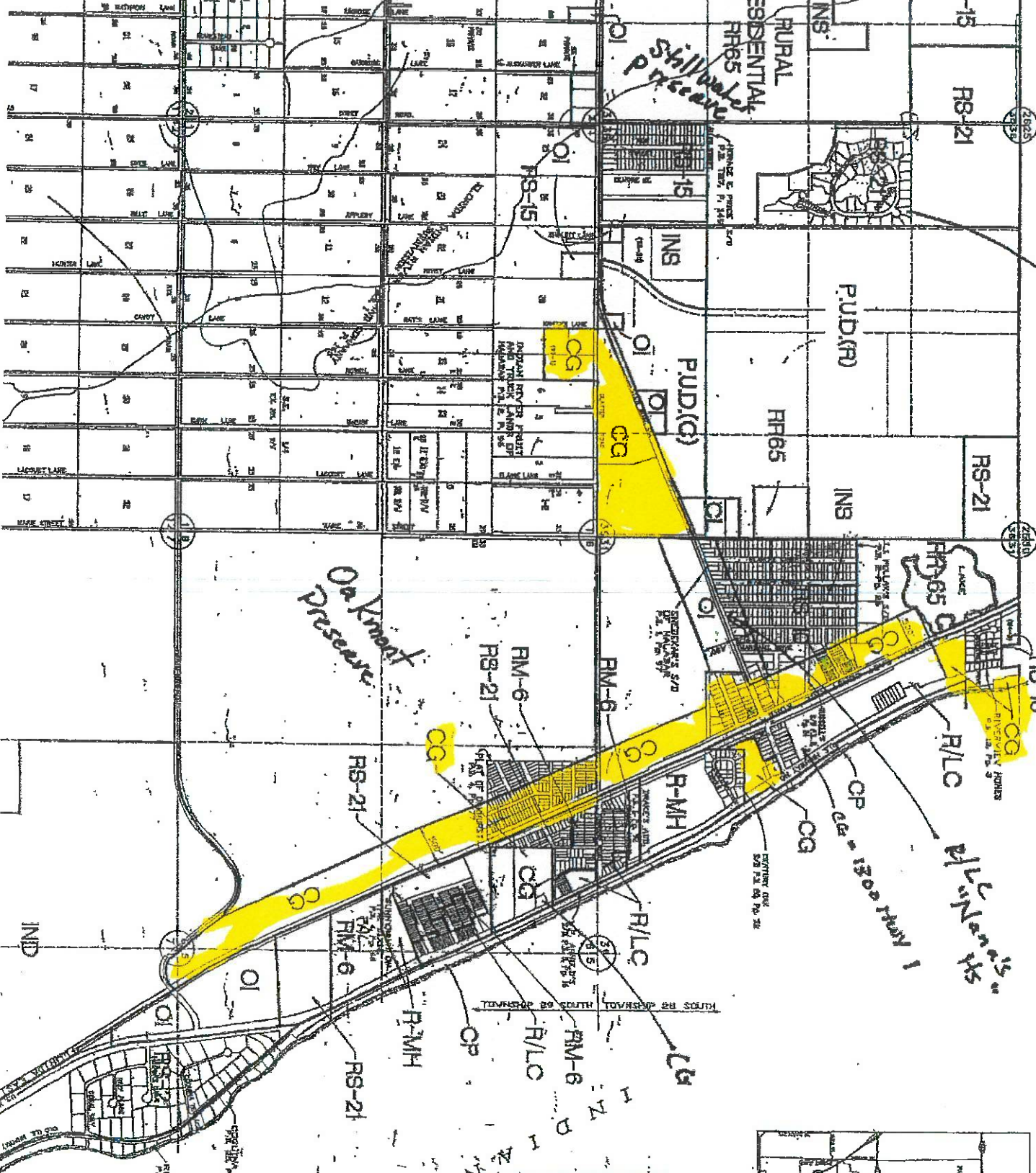
1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/27/2019

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



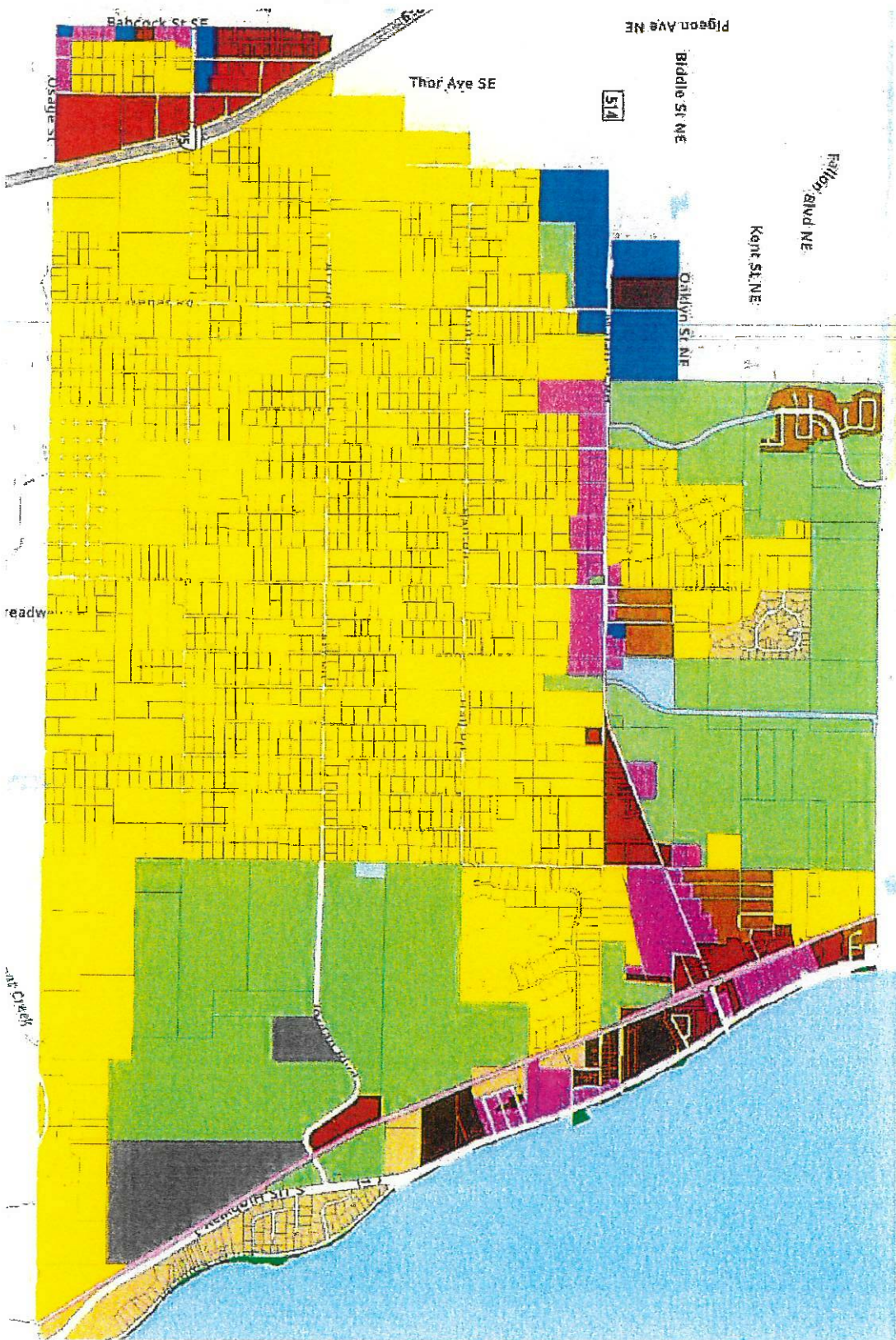
DISTRICTS - LEGEND

ZONING DESIGNATIONS

- RS-21 Single Residential
- RS-15 Single Residential
- RS-10 Single Residential
- FM-6 Farm Medium Density
- R-MH Residential Medium Density
- R/LC Residential Low Density
- CP Community Planned
- PUD(C) Planned Urban District - Commercial
- PUD(R) Planned Urban District - Residential
- IND Industrial

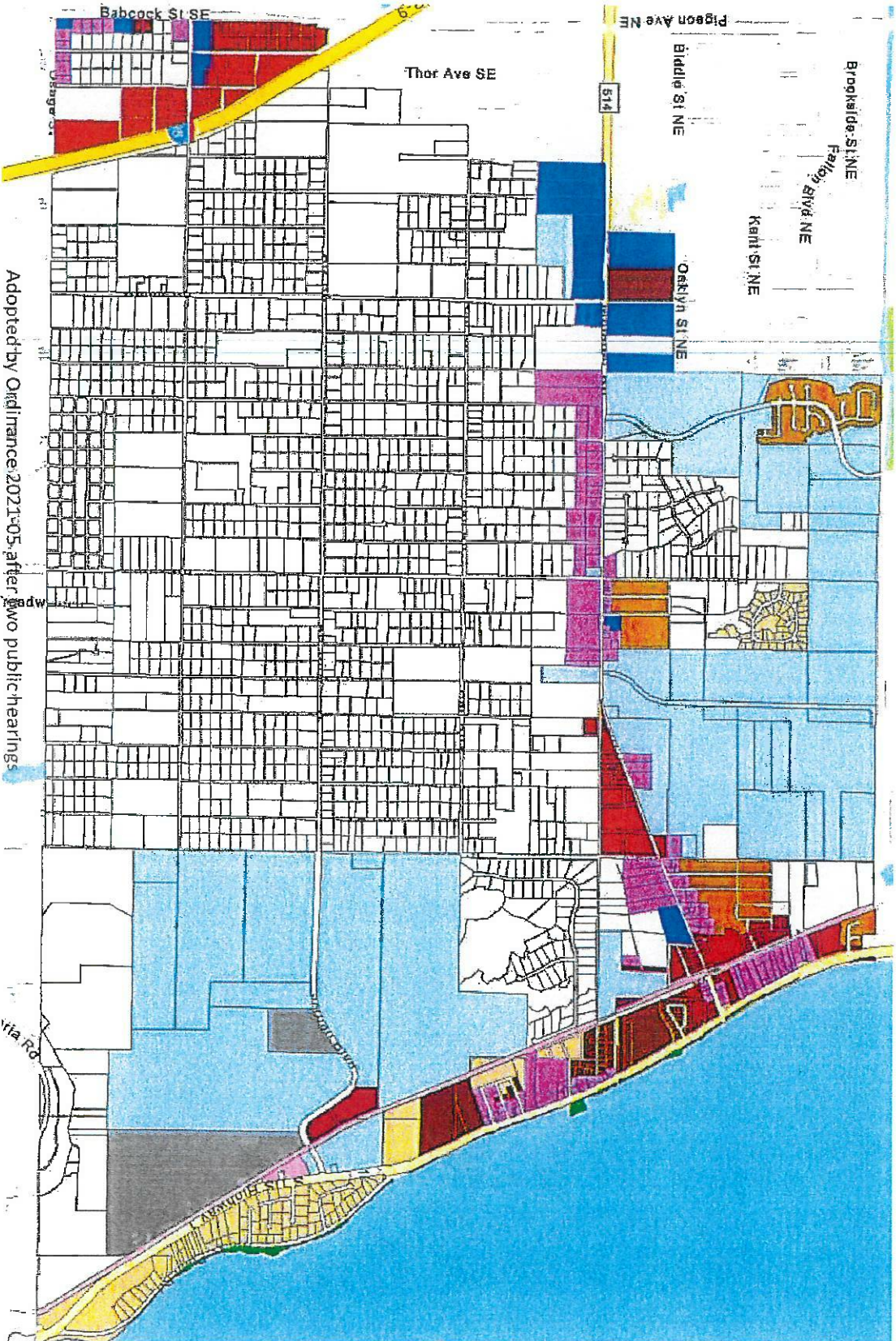
Future Land Use Map

- Commercial General
- Commercial Limited
- Conservation
- Coastal Preserve
- High Density Residential
- Open Space and Recreation
- Industrial
- Institutional
- Low Density Residential
- Medium Density Residential
- Office-Institutional
- Residential and Limited Commercial
- Rural Residential
- Other



Future Zoning Map

- Commercial General
- Commercial Limited
- Coastal Preservation
- Industrial
- Institutional
- Office-Institutional
- Residential Mobile Home
- Residential and Limited Commercial
- Multiple Family HDR
- Rural Residential
- Single Family MDR (RS-10)
- Single Family MDR (RS-15)
- Single Family LDR (RS-21)
- <all other values>



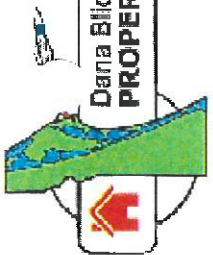
Adopted by Ordinance 2021-05 after two public hearings
 5/17/2021 and 6/7/2021



**SEE ATTACHED
11X17
PROPERTY
SITE PLAN**

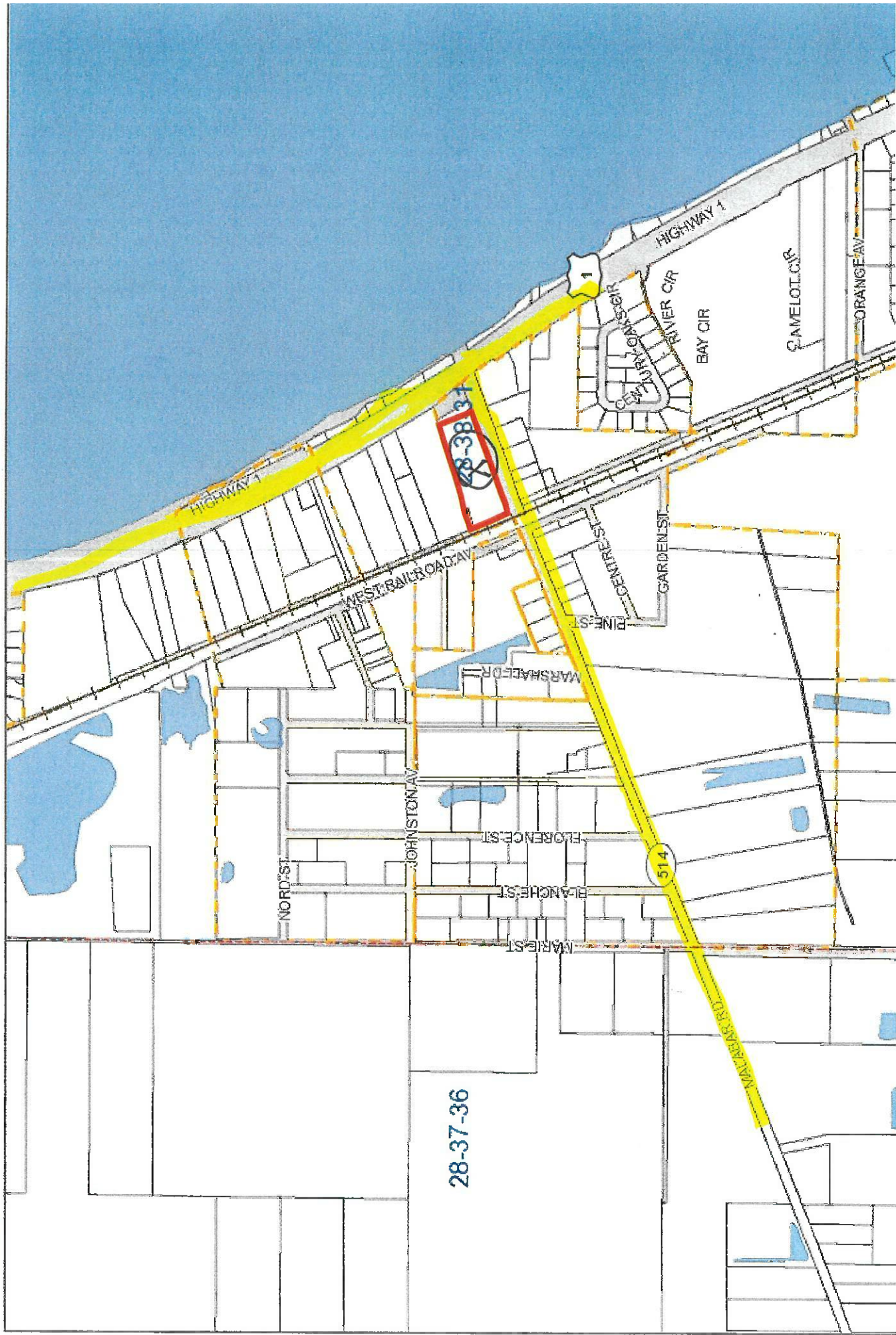
PUBLIC HEARING
6.a.

ADDITIONAL
INFORMATION



Dana Bllickley CFA
PROPERTY APPRAISER
Brevard County

**2760/2768 / 2770/2800
MALABAR ROAD**



28-37-36

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 6.b.
Meeting Date October 25 ,2023

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Site Plan Approval for New Commercial Building, Property known as 6795 Babcock Street Malabar FL 32950. AKA: Parcel # 29-37-10-00-318 located in Commercial General Zoning property is 1.26 acres.

BACKGROUND/HISTORY:

The Applicant is Bowman Consulting Group, Zachary Komninos representing property owner Mr. Robert Bareman. The property is zoned Commercial General and fits into the criteria for zoning/land use for this Commercial Business.

The Property owner plans to Build a Commercial Building, for retail sales and service for his pre-existing established business: Brevard-Soffit & Siding Inc (BSS).

The property is 1.26 acres on the east side of Babcock Street, staff has reviewed plans and notes are included in this package. In the Towns Land Development Code, in Table 1-3.3(A), the size and dimension for Commercial General, this project meets requirements.

There will be two (2) structures totaling 4,800 sq ft. There are wetlands on the property and mitigation will be provided before a permit is released. The Town of Malabar had a discussion with Palm Bay in reference to water and driveway access.

Attached please find:

- Site Plan Application
- Brevard County Property Appraisers Information
- Public Notice
- Radius Map for 500' & letter
- Warranty Deed / Legal Description
- Portions of Article II & III District Provisions & Zoning Maps
- Staff Comments/Approval
- Attached Package for review (to be submitted back to PZ Secretary when meeting completed) Exhibit "A"

ACTION OPTIONS:

Discussion/ Suggested Action to Council

SITE PLAN APPLICATION

BP 1891



TOWN OF MALABAR

AUG 03 2022

RECEIVED

TOWN OF MALABAR
2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 Ext. 14
Fax # (321) 727-9997

APPLICATION FOR COMMERCIAL SITE PLAN REVIEW

Before completing this application, please refer to:

- Chapter 6 Town of Malabar Code of Ordinances Section 6-1 Codes and amendments adopted
- Land Development Code Article VII Site Plan Review

Project Name: BSS building Date: 08/03/2022
 Developer Name: Brevard Soffit & Siding Inc Telephone: _____
 Mailing Address: 2560 Billie Ln Fax: _____
 City, State, Zip: Malabar, FL 32950 Cell: 321-508-8793

Name of Property Owner(s): Robert Bareman Telephone: 321-508-8793
 E- Mail Address: robbyb@bssexteriors.com
 Mailing Address: 2560 Billie Ln Fax: _____
 City, State, Zip: Malabar, FL 32950 Cell: 321-508-8793

Name of Engineer(s): Zachary Komninos Telephone: (321) 270-8982
 Mailing Address: 4450 W Eau Gallie Boulevard, Suite 144 Fax: _____
 City, State, Zip: Melbourne, FL, 32934 Cell: (321) 543-9247

Name of Architect(s): Meld Studio Architecture (Jerry Balletti) Telephone: 321-728-3869
 Mailing Address: 1542 Guava Ave, Unit A
 City, State, Zip: Melbourne, FL Cell: _____

Legal Description of Property Covered by Application:
 Township: 29 Range: 37 Section: 10 Lot/Block: 318 Parcel: 29-37-10-00-318
 Subdivision: N/A Tax Acct No.: 2931365
 Other Legal: _____

Present Land Use Designation: General Retail Sales and Services
 Present Zoning Classification: Commercial General
 Zoning of abutting property: North: CG South: CG East: CG West: RR
 Existing and Proposed Use for Property: Existing - Retail Sales & Services
Proposed - Retail

Gross acreage: 1.29 AC Net acreage: 0.81 AC Gross density: _____

Setbacks: Required and Proposed: Front: 70' / 84.74'; Rear: 25' / 62.82';
Side: 20' / 69.94'; Side corner: 20' / 61.97'

Flood Zone: Zone A Per FEMA Flood Insurance Rate Map

Site Acreages:

	SF	Acres	Percentage
Pervious	20,829	0.48	37%
Impervious	35,171	0.81	63%
Pond	-	-	-
Total	56,000	1.29	100%

Wetlands Present: Yes Mitigation required? No Permit required? No

The applicant is required to submit TWO original Site Plans with supporting documents, 10 TEN paper copies and ONE copy on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents. The following information is required per Article VII of the Malabar Land Development Code and must be shown on the site plan (SP) or submitted as an addendum (AD) to the site plan. Please mark where the following information can be found:

SP Florida Building Code Requirements must be met for 2017 6th Edition or in accordance with current edition before site plan is approved.

SP Florida Fire Code Requirements are separate from Florida Building Code Requirements and must be in compliance as a condition before site plan is approved. In accordance with _____ current edition.

SP Landscape and irrigation plan (existing and proposed) shown on plans.

SP Boundary of property shown by a heavy line.

SP Access by means of paved dedicated right-of-way (driveway width).

SP Topographic survey for existing and proposed conditions.

SP Existing and proposed structures shown on site plan (including setbacks from all property lines and normal high water elevation and building separations).

SP Typical front, rear and side elevations of proposed structure(s).

SP All existing and proposed utilities (including inverts of pipes, etc)

SP Location of all easements.

SP Fire protection & "Life Safety", existing and proposed that meet state/local code requirements.

Updated 03/01/20

N/A Proposed location of well.

SP Proposed location of septic and drain field

SP Stormwater management plan (including soils report and drainage calculations)

SP Flood Zone(s) depicted on site plan.

SP Tree Location Survey identifying trees inches dbh and larger.

SP Tree Plan prepared or approved by a Florida registered landscape architect.

AD Copy of NOI (Notice of Intent) for NPDES (National Pollutant Discharge Elimination System) construction permit from Department of Environmental Protection (DEP) required for projects over 1 acre in size. Include SWPP (Storm Water Prevention Plan) on the site plan

AD Establish Mail Service with Postmaster

SP Required Open Space/Recreational areas.

_____ All the conditions listed above must be meet to obtain a Building Permit

Site Plan Review - \$900 for the first acre plus \$50 per acre for each additional acre or portion thereof for projects consisting of 1,000 or more square feet of impervious surface; plus all costs, excluding advertising, administrative time, and mailing.

- Summary of Required Attachments for Site Plan Review:
 - Completed Application, including Disclosure of Ownership (Pages 1 and 2).
 - Radius Package for 500' distance from project site perimeter – obtained from the Brevard County Planning and Zoning GIS Department in Viera – call 321-633-2070 x52245
 - Fee of \$ 950, in **check or money order**, payable to the Town of Malabar.
 - Site Plan – (10) paper copies plus one electronic copy.
 - Reason for Site Plan Review (attach correspondence, drawings, etc.)
 - Copies of all Federal, State, and Local agency permits. **It shall be the applicant's responsibility to obtain such outside permits.**

By signing below, the applicant acknowledges that they have read the foregoing, that they understand the requirements therein, that it is their responsibility to comply with all applicable laws and codes and agrees to comply with all federal, state, and local of the requirements for obtaining the permits requested.

Signature of Applicant(s):

Fabrizio Ammirato

Date:

8/3/22

Applicant initial-copy received

Signature of Town's Personnel

TOWN OF MALABAR
Disclosure of Ownership

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarize consent of the owner/owners to the applicant to request a site plan review of the property.

Please complete only one of the following:

I/we, Zachary Kominas/Bowman, being first duly sworn, depose and say that I/we, am/are the legal representative(s) of the Owners or lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said are to be honest and true to the best of my/our knowledge and belief.

Zachary Kominas
Applicant(s)

12-6-21
Date

Sworn and subscribed before me by means of physical presence or on line notarization; this 16th day of December by ZACHARY KOMINAS day of December, 2021 who is personally know to me or produced personally known to me as identification.

Notary public, State of Florida
Commission No. HH 144760 My Commission Expires 10/22/2025



I/we, _____, being first duly sworn depose and say that I/we, am/are the Owner(s) of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my/our knowledge and belief.

Applicant(s)

Date

Sworn and subscribed before me by means of _____ physical presence or _____ on line notarization; this _____ by _____ day of _____, 20____ who is _____ personally know to me or produced _____ as identification.

Notary Public, State of Florida
Commission No. _____ My Commission Expires _____

BREVARD COUNTY

PROPERTY APPRAISERS

INFORMATION

FOR PROPERTY



REAL PROPERTY DETAILS
Account 2931365 - Roll Year 2023

Owners	BREVARD SOFFIT & SIDING INC
Mailing Address	2560 BILLIE LN MALABAR FL 32950
Site Address	NONE
Parcel ID	29-37-10-00-318
Taxing District	34Z0 - MALABAR
Exemptions	NONE
Property Use	1000 - VACANT COMMERCIAL LAND
Total Acres	1.26
Site Code	0320 - BABCOCK
Plat Book/Page	0000/0000
Subdivision	--
Land Description	W 1/2 OF N 200 FT OF S 800 FT OF LOT 24 OF PB 1 PG 165 EX W 50 FT AS DES IN ORB 1900 PG 855



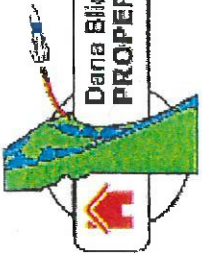
VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$109,770	\$109,770	\$109,770
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$109,770	\$109,770	\$109,770
Assessed Value School	\$109,770	\$109,770	\$109,770
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$109,770	\$109,770	\$109,770
Taxable Value School	\$109,770	\$109,770	\$109,770

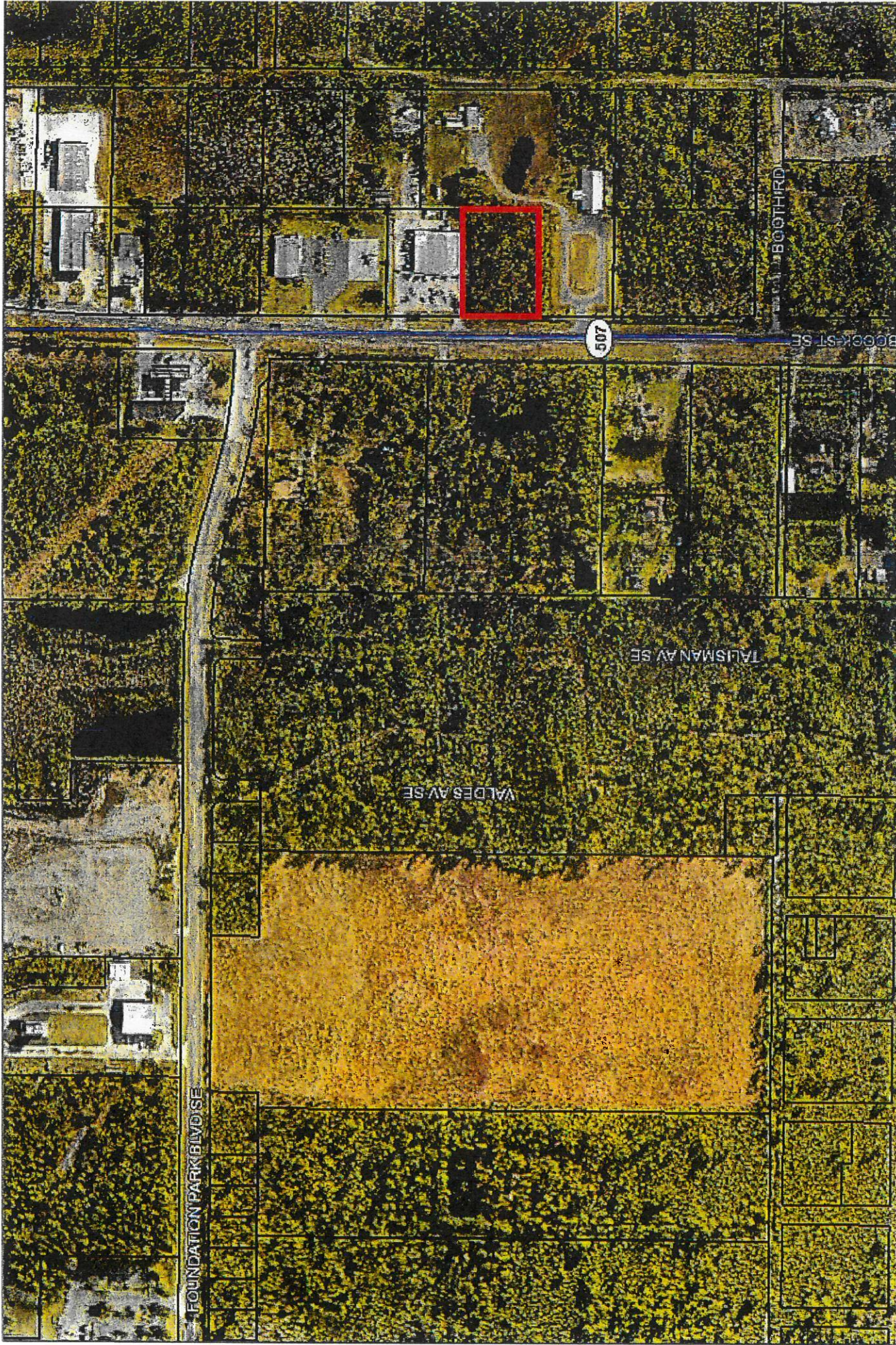
SALES / TRANSFERS

Date	Price	Type	Instrument
09/04/2020	\$136,000	WD	8848/2623
10/01/1984	\$50,000	WD	2548/1129
06/01/1978	\$16,000	PT	1900/0855

No Data Found



Dana Blickley, CFA
PROPERTY APPRAISER
Brevard County



PUBLIC

NOTICE



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

October 10, 2023

To: brelegals@gannett.com

From: Richard Kohler, Town Clerk, and Town of Malabar
townclerk@townofmalabar.org

Please place the following legal notice **one** time in your paper: on **Wednesday, October 11, 2023**. Please put the heading in **BOLD** font. Please send proof via email to: townclerk@townofmalabar.org and mail ONE affidavit to 2725 Malabar Road, Malabar, FL 32950.

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARING
SITE PLAN**

The Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Wednesday October 25, 2023, at 6:00PM to consider Site Plan Approval request from Bowman Consulting Group (Zachary Komninos) the representative of the property owner Mr. Robert Bareman for a Commercial Retail Sales & Service, which is Commercial Zoned Property. The parcel is 1.26 acres at 6795 Babcock Street, Malabar FL 32950 AKA Parcel ID # 29-37-10-00-318.

The Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar, Florida on Monday November 6, 2023, at 7:30PM or as soon thereafter as the matter can be heard, to conduct a public hearing on the same request and to consider the recommendation from Planning and Zoning Board. The Site Plan is Ordinance 2023-06.

Copies of this document are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar FL 32950 or appear and be heard at these meetings of the Planning and Zoning Board and Town Council with respect to this topic.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-4464 Richard Kohler, Town Clerk.



PUBLIC NOTICE

CASE NO. SITE PLAN

The Public Hearings will be conducted at the Town of Malabar Council Chambers, 2725 Malabar Road, Malabar, FL 32950

Planning and Zoning Board Meeting:
Wednesday, October 25, 2023 @ 6:00 pm

Town Council Meeting:
Monday, November 6, 2023 @ 7:30 pm

APPLICANT: BOWMAN CONSULTING GROUP; ZACHARY KOMNINOS; PROPERTY OWNER ROBERT BAREMAN

REQUEST: APPROVAL OF SITE PLAN IN COMMERCIAL ZONING DISTRICT FOR COMMERCIAL SOFFIT & SIDING BUSINESS

ORDINANCE 2023-06

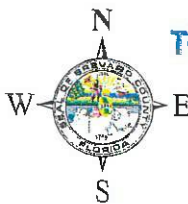
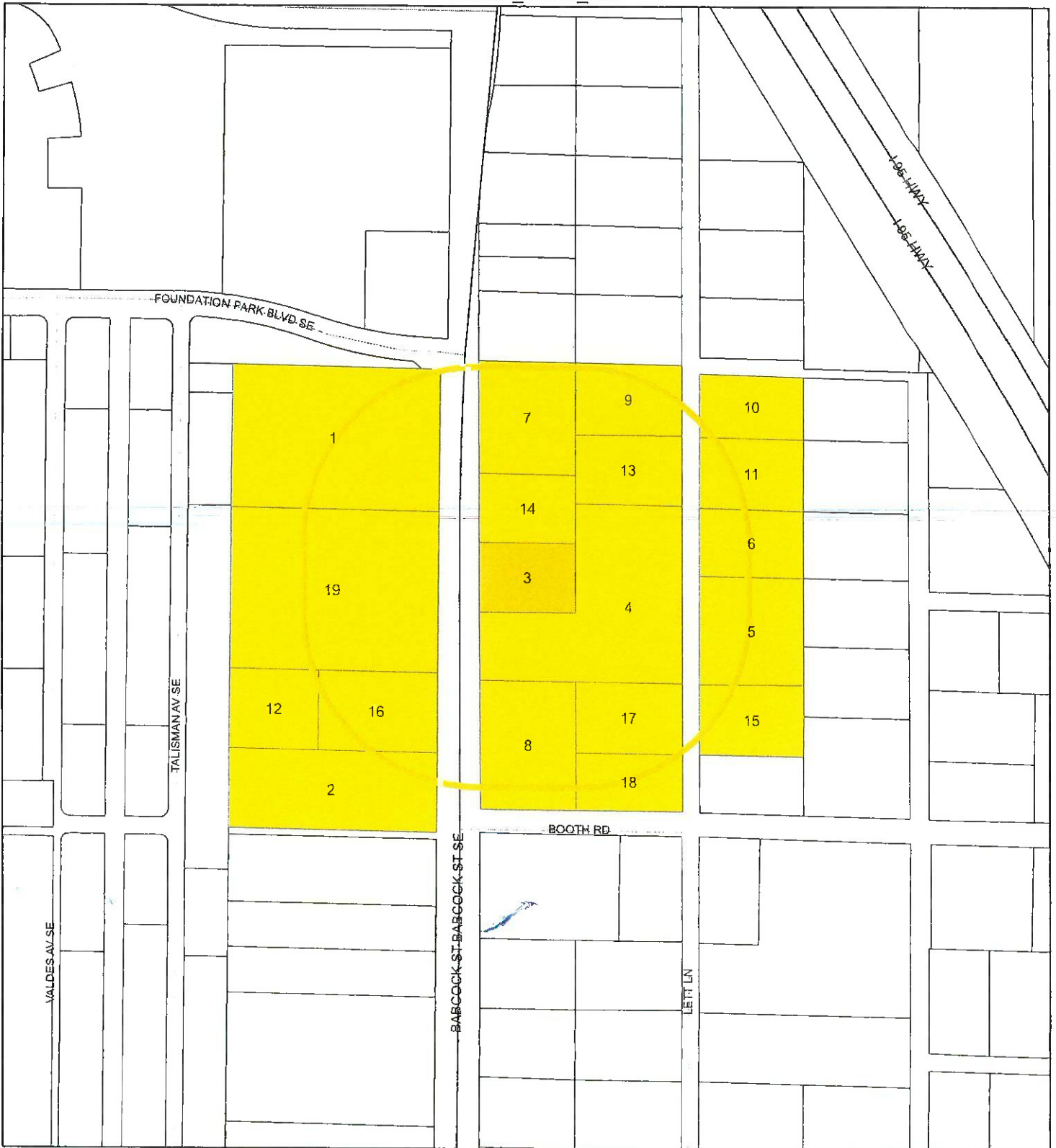
AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA;
RECLASSIFYING THE COMP PLAN MAP:
6795 BABCOCK STREET, MALABAR FL AKA 1.26 ACRES LYING IN TOWNSHIP 29,
RANGE 37, SECTION 10, LOT 318 LYING ON THE EAST SIDE OF BABCOCK
STREET IN DESIGNATED COMMERCIAL GENERAL (CG) ZONING DISTRICT; FOR
AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDING AN EFFECTIVE
DATE.

This re-zoning application may be inspected by the public at the Town Clerk's Office between the hours of 8:30AM and 5:00PM weekdays. Interested people are encouraged to appear at these hearings and provide comments regarding the proposed ordinances. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764, Richard Kohler, Town Clerk.

**FOR MORE INFORMATION
CONTACT THE BUILDING DEPARTMENT
AT (321) 727-7764 X 14**

**RADIUS MAP
PACKAGE
&
LETTER**

RADIUS MAP
BREVARD SOFFIT & SIDING INC
 Madian_Albid_500



TOWN OF MALABAR

AUG 03 2022

RECEIVED

1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/3/2022

- Buffer
- Subject Property
- Notify Property
- Parcels

BABCOCK FOUNDATION SQUARE LLC
6499 POWERLINE RD, STE 301
FORT LAUDERDALE FL 33309-2044

BREVARD SOFFIT & SIDING INC
2560 BILLIE LN
MALABAR FL 32950-3823

BREVARD WORSHIP CENTER INC
6825 BABCOCK ST SE
MALABAR FL 32950-

CHEN, REGINA
520 EDGEBROOK LN
WEST PALM BEACH FL 33411-5301

COLUMBUS CLUB OF PALM BAY, INC.
PO BOX 60778
PALM BAY FL 32906-0778

COMMUNITY GOSPEL TRUTH CHURCH OF
GOD INC
PO BOX 120759
WEST MELBOURNE FL 32912-0759

FETTIG, LYLE P
FETTIG, PATRICIA E
204 ARBOURS DR
SAVOY IL 61874-

HARRACK, PATRICK
974 EASTLAKE SE ST SE
PALM BAY FL 32909-4559

HARRACK, PATRICK,SR
974 EASTLAKE SE ST SE
PALM BAY FL 32909-4559

HERNANDEZ, MELITON
HERNANDEZ, HILDA
6790 BABCOCK ST SE
PALM BAY FL 32909-2003

PARKER, PAUL K
PARKER, BARBARA TRUSTEES
19650 SW 88TH LOOP
DUNNELLON FL 34432-2663

PLATINUM SUPERIOR EXPRESS LLC
1242 SW DALTON AVE
PORT SAINT LUCIE FL 34953-7342

ROSARIO, JORGE
128 67TH ST
BROOKLYN NY 11220-4822

SALVATORE TABONE AND MARIE
E TABONE REVOCABLE TRUST
5236 PEBBLE BEACH BLVD
WINTER HAVEN FL 33884-3539

STORSAFE OF PALM BAY LLC
5301 DEMPSTER ST, STE 300
SKOKIE IL 60077-1857

TOWN OF MALABAR

AUG 03 2022

RECEIVED



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

TOWN OF MALABAR NOTICE OF PUBLIC HEARING

The Malabar Planning and Zoning Board will hold a Public Hearing on ~~Wednesday October 25, 2023 @ 6PM for Recommendation to Town Council on~~ November 6, 2023 @ 7:30PM.

The applicant is Bowman Consulting Group; Zachary Komninos representing property owner Mr. Robert Bareman, approval of Site Plan in Commercial Zoning District for Commercial soffit & siding Business.

ORDINANCE 2023-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RECLASSIFYING THE
COMP PLAN MAP:

6795 BABCOCK STREET, MALABAR FL AKA 1.26 ACRES LYING IN TOWNSHIP 29, RANGE 37,
SECTION 10, LOT 318 LYING ON THE EAST SIDE OF BABCOCK STREET IN DESIGNATED
COMMERCIAL GENERAL (CG) ZONING DISTRICT; FOR AMENDMENT TO THE OFFICIAL TOWN
ZONING MAP; PROVIDING AN EFFECTIVE DATE.

All interested citizens are encouraged to attend and offer comments. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764 Richard Kohler Town Clerk.

Dear Property Owner,

If you receive this notice then you are listed as an owner of property, as shown in the records of the County Property Appraiser's office, within 500' of the project site. This Notice is provided as required by Malabar Code Chapter 2, Section 2-240.6. a. You are invited to attend or submit your comments before the meeting to the TownClerk@townofmalabar.org

LEGAL DESCRIPTION

&

WARRANTY DEED

This Document Prepared By and Return to:
Jack B. Spira
Spira, Beadle & McGarrell, P.A.
5205 Babcock Street, NE
Palm Bay, Florida 32905

Parcel ID Number: 29-37-10-00-318

Warranty Deed

This Indenture, Made this 4th day of September, 2020 A.D., Between
Peter P. Zabinski
of the County of Brevard, State of Florida, grantor, and
Brevard Soffit & Siding, Inc., a Florida corporation
whose address is: 2560 Billie Lane, Malabar, FL 32950
of the County of Brevard, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns
forever, the following described land, situate, lying and being in the County of Brevard
State of Florida to wit:

The West 1/2 of the North 200 feet of the South 800 feet of Lot 24, Section 10, Township 29
South, Range 37 East, PLAT OF FLORIDA INDIAN RIVER LAND COMPANY, according to
the plat thereof, as recorded in Plat Book 1, Page 165, Public Records of Brevard County,
Florida, LESS the West 50 feet for road, utility and drainage right of way.

Subject to:

1. Taxes for the year 2020 and subsequent thereto.
2. Easements, Restrictions and Limitations of Record.
3. Zoning and other regulatory ordinances, if any.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the
Grantor. The Grantor's HOMESTEAD address is 1500 Pine Street, Melbourne Beach, Florida.

Warranty Deed - Page 2

Parcel ID Number: 29-37-10-00-318

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

CB
Printed Name: Christine Burns
Witness

P. P. Zabinski (Seal)
Peter P. Zabinski
P.O. Address: 1405 S. Pine Street, Melbourne, FL 32901

JACK SPERA
Printed Name: JACK SPERA
Witness

(Seal)
P.O. Address:

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 4th day of September, 2020, by Peter P. Zabinski

who is personally known to me or who has produced his Florida's driver license as identification.



Christine K. Burns
Printed Name:
Notary Public
My Commission Expires:

TOWN OF MALABAR
PORTIONS OF

CODES
FOR LAND DEVELOPMENT

- **ARTICLE II & III**
 - **MAPS**

Table 1-2.1, "Future Land Use Map (FLUM) Designations and Zoning Districts" references adopted FLUM designations contained in the land use element of the Town of Malabar Comprehensive Plan and identifies corresponding zoning districts which are hereby established in order to implement the FLUM designations, respectively.

TABLE 1-2.1. FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS

Future Land Use Map Designations		Corresponding Zoning Districts	
OSR	Open Space and Recreation	CP INS	Coastal Preservation Institutional
RR	Rural Residential	RR-65	Rural Residential
LDR	Low Density Residential	RS-21	Single Family LDR
MDR	Medium Density Residential	RS-15 RS-10 RM-4	Single Family MDR Single Family MDR Multiple Family MDR
HDR	High Density Residential	RM-6 R-MH RVP	Multiple Family HDR Residential Mobile Home Recreational Vehicle Park
MRO	Multiple-family Residential or Office Space	RM-4 RM-6 OI	Multiple Family HDR Multiple Family MDR Office-Institutional
OI	Office-Institutional	OI INS	Office-Institutional Institutional
CL	Commercial Limited	CL	Commercial Limited
CG	Commercial General	CG	Commercial General
R/LC	Residential and Limited Commercial	R/LC	Residential and Limited Commercial
IND	Industrial	IND	Industrial
INS	Institutional	INS	Institutional
*PUD(R)	Planned Unit Development (Residential)	PUD(R)	Planned Unit Development (Residential)
*PUD(C)	Planned Unit Development (Commercial)	PUD(C)	Planned Unit Development (Commercial)
*PUD(I)	Planned Unit Development (Industrial)	PUD(I)	Planned Unit Development (Industrial)

*Planned Unit Development (PUD) designations are special overlay map designations intended to promote voluntary public/private partnerships for managing and coordinating objectives which promote innovative development concepts, design amenities, and measures for protecting natural features of the land.

(Ord. No. 94-4, § 1, 4-3-95; Ord. No. 2021-09, § 1, 8-16-21)

- ARTICLE II
- (e) Uses a mechanism that reveals the content of a predetermined sweepstakes entry;
 - (f) Predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed;
 - (g) Uses software to create a game result;
 - (h) Requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device;
 - (i) Requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device;
 - (j) Requires purchase of a related product, regardless if the related product, if any, has legitimate value;
 - (k) Reveals the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded;
 - (l) Determines and associates the prize with an entry or entries at the time the sweepstakes is entered; or
 - (m) A slot machine or other form of electrical, mechanical, or computer game. It is the intent of this definition to classify any mechanism utilized at any electronic gaming establishment that seeks to avoid application of this definition through the use of any subterfuge or pretense whatsoever. Electronic gaming establishments do not include arcade amusement centers, regulated pursuant to F.S. § 849.161, or the official Florida Lottery.

The term *prize* as used herein shall mean any gift, award, gratuity, good, service, credit, or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

4. *Drive-thru Facilities.* A facility, which by design, physical character, and/or by operation (i.e., service or packaging procedures) encourages or permits customers to receive services, obtain goods or be entertained while remaining in the motor vehicle.
5. *Funeral Homes.* Undertaking and funeral services involving care and preparation of human deceased prior to burial, including crematory facilities.
6. *General Retail Sales and Services.* Retail sale or rental from the premises of goods and/or services to include all uses listed under limited commercial activities as well as the following:
 - Appliance Stores, without major warehousing.
 - Art Shops and Supplies.
 - Bakeries, excluding wholesale production and distribution.
 - Bicycle Shops.

Copying Services.

Cosmetic Stores.

Department Stores.

Drapery Stores.

Drug Stores.

Dry Cleaning establishments complying with Class IV or Class V Fire Code Prevention requirements and using only Class IV solvents such as perchlorethelene, except for spotting as provided for in Section 9.6(m) of the Fire Prevention Code.

Dry Goods Stores.

Fabric Stores.

Furniture Stores.

Garden Supplies.

Grocery Stores.

Hardware Stores, without outside storage of lumber and other building supplies.

Health and Exercise Studios.

Home Furnishing Stores.

Lawn and Garden Supplies.

Large Specialty Shops.

Luggage and Leather Goods Stores.

Office Equipment and Supplies.

Paint and Wallpaper Retail Sales.

Pet Supply and Pet Shops.

Sporting Goods Stores.

Other similar retail sales and service activities conducted within a fully enclosed building

approved by the Town Council after receipt of a recommendation from the Planning and Zoning Commission. The use shall not include: wholesaling, warehousing, outside storage and distribution functions. The use shall not exhibit any characteristic dissimilar or incompatible with the uses identified herein. In review and approval of a request for a "similar" use, the Planning and Zoning Board and the Town Council shall use the procedures and criteria cited in the following Section 1-2.6 [1-2.7].

7.

care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this district.

K. *CL "Commercial Limited."* The CL district is established to implement comprehensive plan policies for managing limited commercial development accessible to major thoroughfares near residential neighborhoods. Such development is intended to provide essential household services in locations highly accessible to residential areas. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets:

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

Areas designated for limited commercial development are not intended to accommodate large-scale retail sales, services, and trade activities, generally serving a city-wide or regional market. Such stores would usually differ from limited commercial shops since the former would usually require a larger floor area, carry a relatively larger inventory and require substantially greater parking area.

Uses, which are not intended to be accommodated within the limited commercial area, include the following: large scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposable containers and/or providing drive-in facilities. No residential uses shall be located in the limited commercial district.

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

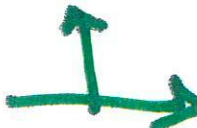
The general commercial district shall also accommodate commercial trades in strategically designated areas as defined in the conditional use criteria. Development standards within the land development code shall require that site plans incorporate amenities necessary to prevent potential adverse effects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

The general commercial district is not intended to accommodate manufacturing, processing, or assembly of goods, sales and services of heavy commercial vehicles and equipment, or related services or maintenance activities; warehousing; uses requiring extensive outside storage; or other

activities or trades which may generate nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration or major fire hazards. Finally, no permanent residential housing shall be located within the general commercial district.

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

- Trip generation characteristics, impact on existing and plan transportation facilities and ability to achieve a functional internal circulation and landscaped off-street parking system;
- Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation, and floor area requirements;
- Compatibility with and impact on other surrounding commercial activities;
- Relationship to surrounding land uses and natural systems; and
- Impact on existing and planned community services and utilities.
- A Malabar Vernacular Style is required for all development along arterial roadways.



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

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

N. *PUD "Planned Unit Development."* The PUD district is established to implement comprehensive plan policies for managing planned unit development. The comprehensive plan incorporates policies encouraging innovative development concepts, including mixed use development. The planned unit development is intended to provide a voluntary framework for coordinating objectives of developers which may require departures from established public policy. The planned unit development district provides a management strategy for negotiating innovative development concepts, design amenities, and measures for protecting natural features of the land. The management process shall promote public and private coordination and cooperation. The land development code incorporates detailed regulations, standards, and procedures for implementing the planned unit development concept. The planned unit development district shall be available as a voluntary approach for managing specific development characteristics and project amenities to be incorporated in residential, commercial, industrial or mixed use development. Developers who voluntarily participate in the process shall bind themselves as well as their successors in title to the stipulations within the development order approving the planned unit development district.

ARTICLE III

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Noncommercial Agricultural Operations	P													
Wholesale Agricultural Activities	P													
Commercial Stables	C													
COMMERCIAL ACTIVITIES														
Adult Activities										C				
Bars and Lounges										C				
Bed and Breakfast											P ¹			
Business and Professional Offices								P	P	P	P	P	P	
Enclosed Commercial Amusement										P				
Arcade Amusement Center/ Electronic Gaming Establishment										C ²				
Funeral Homes									P	P	C			
General Retail Sales and Services										P				
Hotels and Motels										P				
Limited Commercial Activities									P	P	P			
Marina Commercial Activities										C*				
Medical Services								P	P	P	P			
Mini Warehouse/Storage									C	P	P	P		
Parking Lots and Facilities								P	P	P	P	P	P	
Retail Plant Nurseries									P	P	P			
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)									P	P	P			
Service Station, Including Gasoline Sales										C*				C*
Trades and Skilled Services										P				P
Veterinary Medical Services										P	C			P
Vehicular Sales and Services										C*				P
Vehicular Services and Maintenance										C*				P
Wholesale Trades and Services										C*				P
INDUSTRIAL ACTIVITIES														
Kennels														C
Manufacturing Activities														P

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Manufacturing Service Establishments												P		
Vehicle and Other Mechanical Repair and Services										C*		P		
Warehouse, Storage and Distribution Activities												P		
WATER DEVELOPMENT														
NONCOMMERCIAL ACTIVITIES														
Noncommercial piers, boat slips, and docks														C

- C = Conditional Use
- P = Permitted Uses
- A = Accessory Use

* = These uses are permitted only on sites abutting Babcock Street, US 1, West Railroad Avenue, Garden Street and Pine Street.

1 = Allowing up to 1,000 square feet of a church or educational institution for the housing of a caretaker or security guard serving the church or educational institution. No such use shall be allowed unless administrative approval is granted by the Town.

- 1. Any Bed and Breakfast which is proposed to have more than five (5) living quarters shall only be approved as a conditional use in accordance with Article VI of the Land Development Regulations.
- 2. Any Arcade Amusement Center and Electronic Gaming Establishment as defined herein shall only be approved as a conditional use in accordance with Article VI of the Malabar Land Development Code.
- 3. Allowed in RR-65, (1 to 2 residents/beds) as defined in FS Title XXX Chapters 419 & 429
- 4. ALF Factor of "9" (see section 1-2.6.B.13.B, Part D) only applies to RM-4 & RM-6 for ALF's (Ord. No. 94-4, § 3, 4-8-95; Ord. No. 97-3, § 2, 3-17-97; Ord. No. 05-01, § 1, 3-7-05; Ord. No. 06-19, § 1, 1-11-07; Ord. No. 12-48, § 2, 1-23-12; Ord. No. 14-01, § 3, 2-3-14; Ord. No. 2016-03, § 1, 2(Exh. A), 10-3-16; Ord. No. 20-02, §§ 1, 2, 3-2-20)

Section 1-3.3. Size and dimension criteria.

A. *Minimum Lot or Site Requirements for All Uses.* Table 1-3.3(A) incorporates required size and dimension regulations which shall be applicable within each respective zoning district. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:

- Setback requirements;
- Open space, buffers, and landscaping;
- Surface water management;
- Water and wastewater services;
- Access, internal circulation and off-street parking;
- Wetland protection; and
- Soil erosion and sedimentation control standards.

Conventional single family lots shall be required pursuant to square footage requirements stipulated in Table 1-3.3(A). Similarly, more intense development within multiple family residential districts and other specified nonresidential districts shall maintain sites having minimum acreage requirements stipulated in Table 1-3.3(A).

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

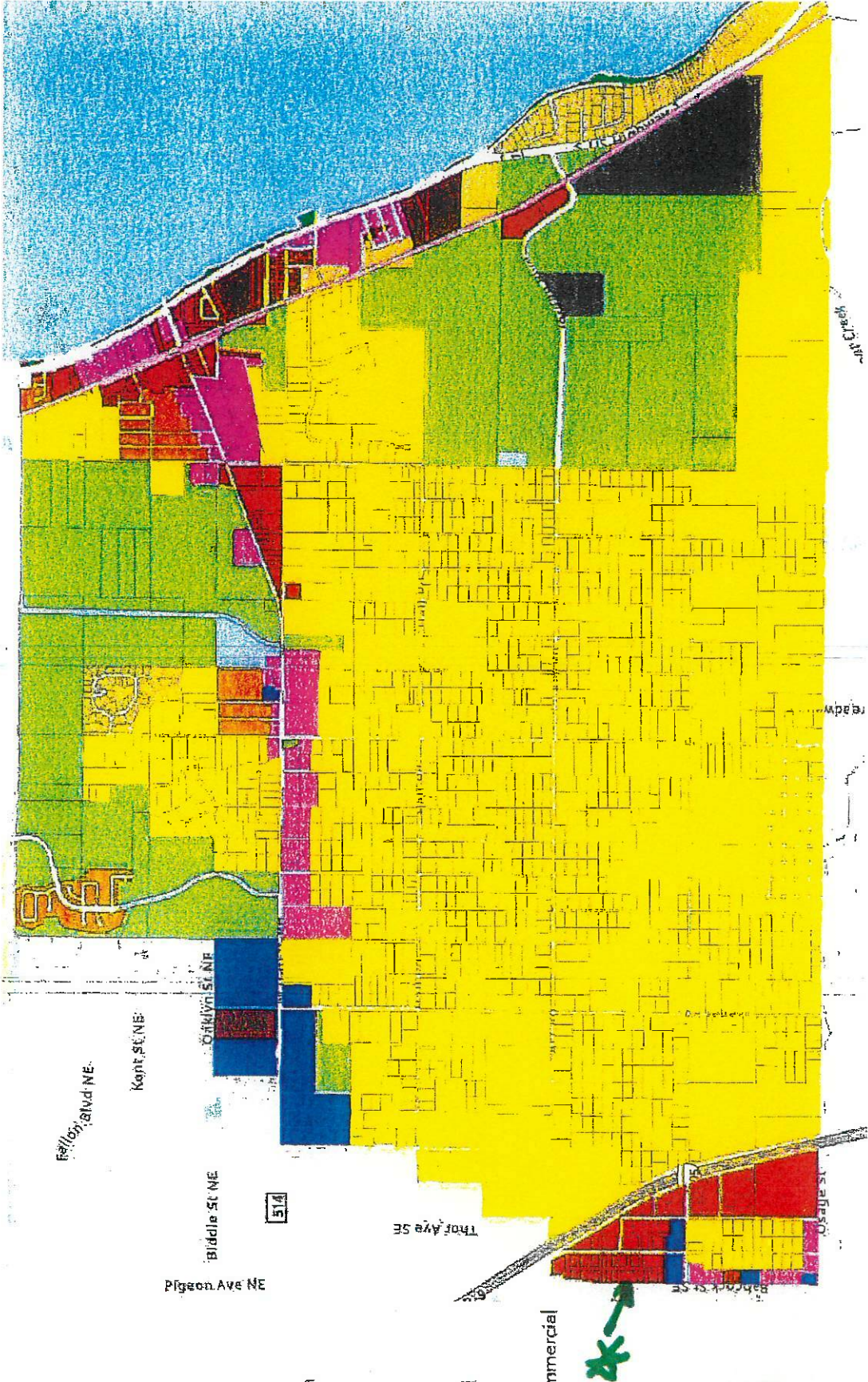
Zoning District	Minimum Lot (1)		Depth (ft.)	Maximum Height (ft.) stories	Minimum Existing Area (sq. ft.)	Setback (ft.)			Maximum Impermeable Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Area (sq. ft.)	Width (ft.)				Front	Rear	Side (ft.)				
Rural Residential Development												
RR-65	65,340	150	250	35/3	1,500	40	30	30	30	20	N/A	0.65
Traditional Single Family Residential Development												
RR-21	31,780	120	150	35/3	1,200	35	20	15	15	35	N/A	2.00
RR-15	15,000	100	120	35/3	1,500	30	20	15	15	45	N/A	2.004
RR-10	10,000	75	100	35/3	1,200	25	20	10	10	50	N/A	4.00
Multiple Family Residential Development												
RM-1	5 Acres Minimum Sites	200	200	35/3	1 Bedrooms: 900 2 Bedrooms: 1100 3 Bedrooms: 1800 Each Additional Bedroom: 120	60	40	40	40	50	N/A	4.00
RM-5	5 acres Minimum Sites	200	200	35/3	Single Family: Multiple Family: 1 Bedroom: 600 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	10	50	n/a	6
Mixed Use Development												
MZLO	20,000	100	150	35/2	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120 Commercial: Min. Area: 900 Max. Area 4,000	25 50	20 25	10 10*	10 20	50 65	n/a n/a	4 6
Mobile Home Residential Development												
R-MH	5 Acres Lot: 7000					10	5	5	10	50	N/A	6.00
Office Development												
OI	30,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	65	20	N/A
Commercial Development												

Zoning District	Minimum Lot (L)		Depth (ft.)	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) with Central Water and Wastewater
	Side (ft.)	Width (ft.)				Front	Rear	Side (ft.)				
GL	20,000	100	150	35/3	Minimum Floor Area: 800	50	26	10 ⁴ 15 ⁴	65	0.20	35	N/A
CG	20,000	100	150	35/3	Min. Area: 800 Max. Area: 4,000 Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	20 ⁴ 15 ⁴	65	0.20	35	N/A
Industrial Development												
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 ⁵	25 100 ⁵	20 100 ⁵	70	0.42	30	N/A
Institutional Development												
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	60	0.30 0.10 ⁶	40	N/A
Coastal Preservation												
CP	No Size or Dimension Standards Adopted											

¹Minimum size sites and lots include one-half of adjacent public right-of-way.
²Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.
³Setback where rear lot line abuts an alley.
⁴Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
⁵Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
⁶Recreation activities maximum FAR shall be .10.
⁷In RR-65 Zoning, side and rear setback may be reduced for accessory structures to equal the height of the accessory structure but under no condition be reduced to less than 15 feet. If the height of the accessory structure height is 20 feet, the side and rear setbacks for that building would be 20 feet.

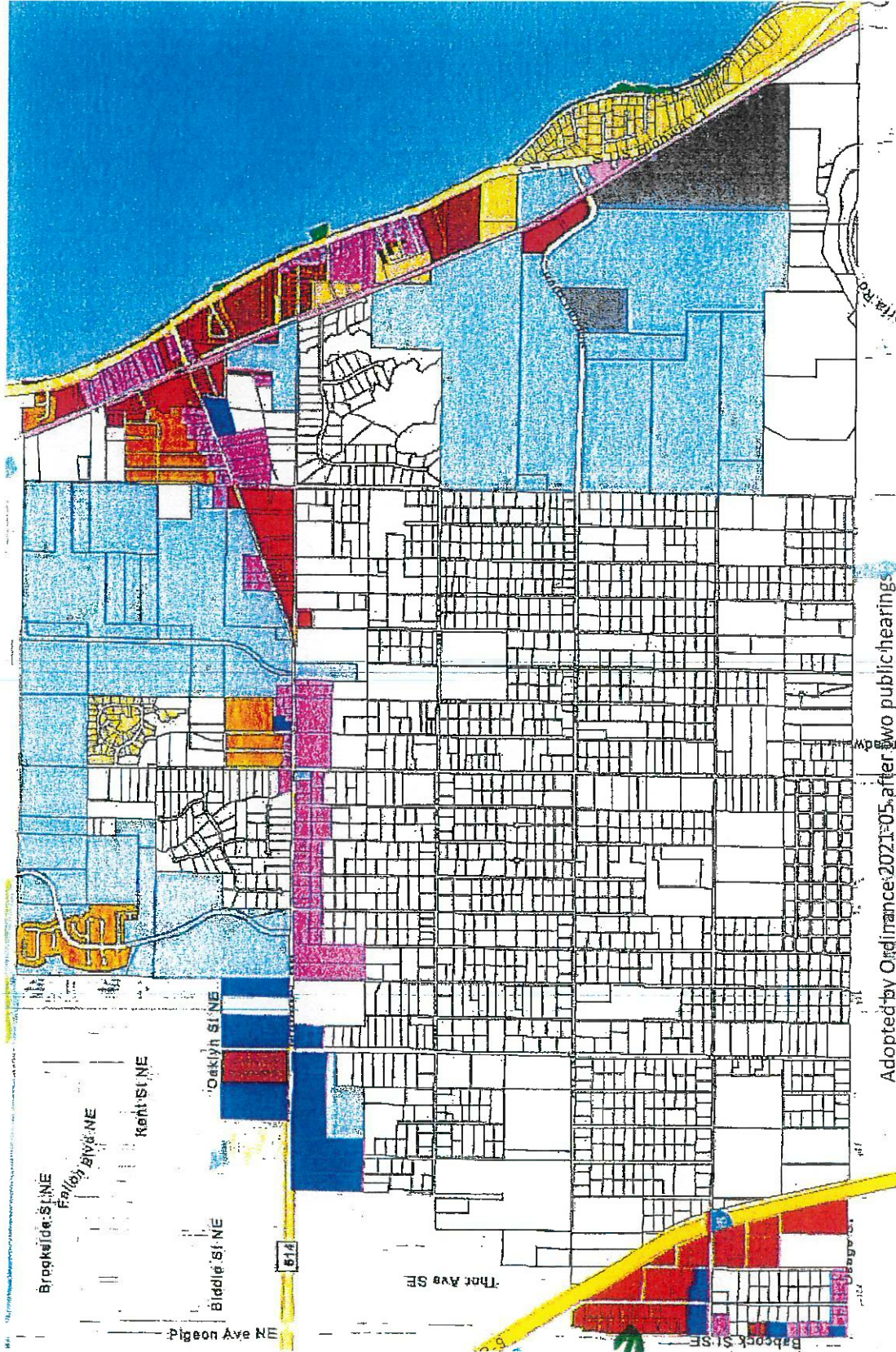
Future Land Use Map

- Commercial General
- Commercial Limited
- Conservation
- Coastal Preserve
- High Density Residential
- Open Space and Recreation
- Industrial
- Institutional
- Low Density Residential
- Medium Density Residential
- Office-Institutional
- Residential and Limited Commercial
- Rural Residential
- Other



Future Zoning Map

- Commercial General
- Commercial Limited
- Coastal Preservation
- Industrial
- Institutional
- Office-Institutional
- Residential Mobile Home
- Residential and Limited Commercial
- Multiple Family HDR
- Rural Residential
- Single Family MDR (RS-10)
- Single Family MDR (RS-15)
- Single Family LDR (RS-21)
- <all other values>



Adopted by Ordinance 2021-05 after two public hearings
5/17/2021 and 6/7/2021

STAFF COMMENTS

**TOWN OF MALABAR
MEMORANDUM**

TOWN OF MALABAR

SEP 15 2022

RECEIVED

Date: September 14, 2022
To: Denine Sherear, Asst. Building Official
From: Morris Smith, Town Engineer
Ref: Site Plan Review Comments – BSS Building – Brevard Soffit & Siding

Memo: 22-CE
Project No.
Variance No.:

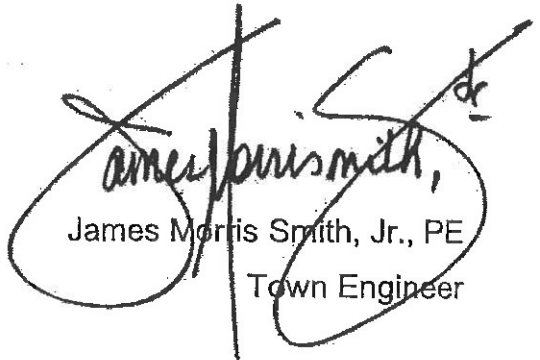
At your request I made a site plan review of the documents you provided to me for the above referenced project.

The general civil engineering plans were reviewed as well as the stormwater calculations.

The St. Johns River Water Management District (SJRWMD) requires more stringent stormwater management activity than the Town's stormwater code. When they approve the site for their permit, the Town's requirements will be met or exceeded.

I have no objections to the proposed land development.

Very Truly Yours,


James Morris Smith, Jr., PE
Town Engineer

CARL WEAVER - FIRE MARSHAL

TOWN OF MALABAR

September 12, 2022

SEP 12 2022

BSS Warehouse and Office Building Site Plan

Fire Marshal Review Comments

RECEIVED

6795 Babcock Street

1. Proposed site plan is acceptable and appears to be comply with the Florida Fire Prevention Code.



Miami-Dade (Corporate) Office
 343 Almeria Avenue
 Coral Gables, FL 33134
 Phone: 305.448.1711

Broward Office
 100 SE 12th Street
 Fort Lauderdale, FL 33316
 Phone: 954.888.9882

Palm Beach Office
 1910 North Florida Mango Road
 West Palm Beach, FL 33409
 Phone: 561.508.0615

Permit 2249 6795 Babcock BSS Exteriors Plans Malabar
Electronic Plan Review Results

Project Information

Phase 100% Construction Documents
Submittal: **A/E:**
Facility Name: Permit 2249 6795 Babcock BSS Exteriors **Plans Dated:** 08/23/2023
 Plans Malabar
Project Name: Permit 2249 6795 Babcock BSS Exteriors **Plans** 9/7/23
 Plans Malabar **Received:**
Project No: Permit 2249 6795 Babcock BSS Exteriors **Review** 9/11/23
 Plans Malabar **Completed:**
Building Code: FBC2020 **Review Status:** Review Cycle Closed Out - Awaiting
 administrative approval
Description: Project NEW COMMERCIAL BUILDING PER ENGINEERED PLANS & FBC 2020 7TH ED

Plan Review Summary

Discipline	Status	Reviewer	Email	Phone	License
00) Structural	Not Applicable				
01) Building	Approved	Roy Bronold	rbronold@capfla.com	3054481711	
02) Mechanical	Approved	Roy Bronold	rbronold@capfla.com	3054481711	
03) Electrical	Approved_As_Noted	Chassler Holm	cholm@capfla.com	561.632.6100	PX4672
04) Plumbing	Approved	Anthony A. D'Auria	adauria@capfla.com	561-592-9195	PX4133
05) Gas	Not Applicable				
06) Engineering/Civil	Not Applicable				
07) Fire	Not Applicable				
08) Roofing	Not Applicable				
09) Planning/Zoning	Not Applicable				
10) Landscape	Not Applicable				
11) Flood Plain	Not Applicable				
12) CRA	Not Applicable				
Admin-Stamp	Not Applicable				

Plans and specifications review is performed in accordance with the Florida Building Code, Florida Statutes and all applicable codes.

Open Issues: 2

Electrical

BSS ELECTRICAL PERMIT SETS EXTERIORS PLANS (07/20/23)

1. Electrical Mandatory

CAP Government, Inc.
Chassler Holm
8/30/23 3:24 PM
Express Workflow - 1

1) Ensure GFCI receptacle is not installed behind water cooler, must be readily accessible or on a GFCI breaker per NEC Article 100.
2) Install show window receptacles per NEC 210.62.

cap government
Samuel Sangiorgi
9/7/23 11:04 AM
Express Workflow - 1

COMMENTS LETTER SUBMITTED

Plumbing

General Issues

2. Plumbing Review Mandatory

CAP Government, Inc.
Anthony A. DAuria
8/29/23 7:12 PM
Express Workflow - 1

- All Hose connections and Hose Bibbs shall be protected by an atmospheric-type or pressure-type vacuum breaker or a permanently attached hose connection vacuum breaker; **FBC-P 608.16.4.2**

- Shutoff valves for Hose-Bibb/Sill-cocks shall be installed on the water supply pipe at each location; **FBC 606.2**

cap government
Samuel Sangiorgi
9/7/23 11:04 AM
Express Workflow - 1

COMMENTS LETTER SUBMITTED

Closed Issues: 0

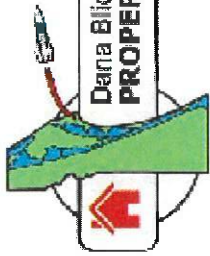
No Closed Issues Found

Exhibit “A”

Attached Package
for review (to be
submitted back to
PZ Secretary when
meeting completed)

**PUBLIC HEARING
6.b.**

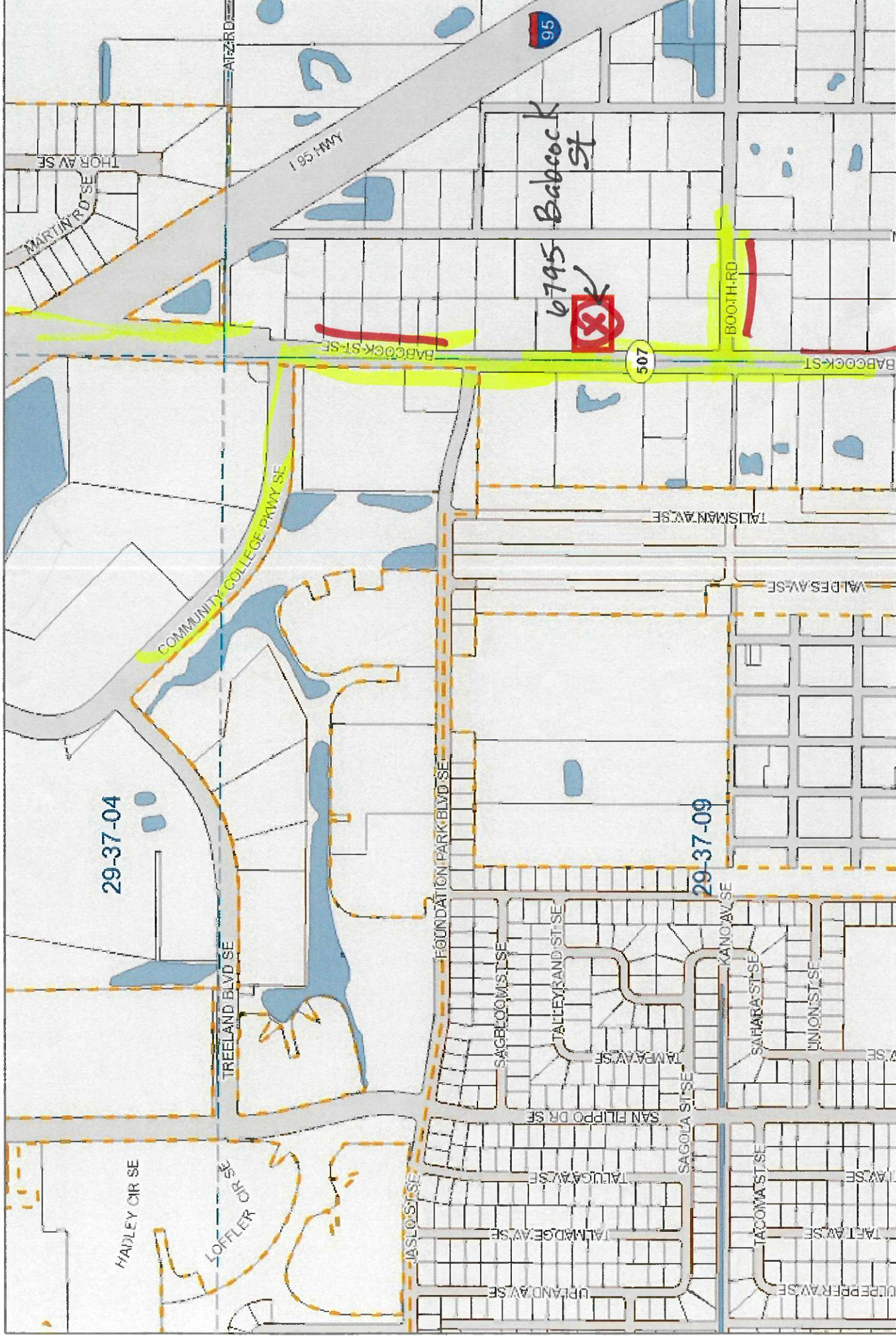
**ADDITIONAL
INFORMATION**



Dena Bickley, CFA
PROPERTY APPRAISER
Brevard County

6795 Babcock St

0 1 0



TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 6.C.
Meeting Date October 25 ,2023

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: MVB Engineering LLC (Applicant) to Change Zoning & Land Use at Parcel ID # 29-37-03-01-* -2.01 AKA: 695 Malabar Road, Malabar FL 32950 located on South side of Malabar Road across from Palm Bay Hospital Property is presently Office Institute (OI) and wants to change to Residential/Limited Commercial (R/LC) & Planned Unit Development (PUD)

BACKGROUND/HISTORY:

The Applicant MVB Engineering is representing property owner Ms Shamsad Begum of SJB LLC has applied to change the zoning/land use from Office Institute (OI) to Residential/Limited Commercial (R/LC) & Planned Unit Development (PUD). The Property known as 695 Malabar Road; Malabar Florida 32950 consists of 9.75 acres.

The Applicant plans to develop property to consist of 8 two story buildings with 6 two story townhomes within each building for a total of 48 townhomes towards the south end of property behind the 30,500 sq ft of office and retail space to face Malabar Road. The property will be connecting to City of Palm Bay Utility services for this intended Site Project.

This request for Land Use/Zoning change is to have a mixed-use project with residential, town homes and businesses on the Malabar Road corridor.

Attached please find:

- Comments
- Land Use Amendment and Zoning change Application
- Brevard County Property Appraisers Information
- Public Notice
- Radius Map for 500' & letter
- Warranty Deed / Legal Description
- Portions of Article II & III District Provisions & Zoning Maps
- See attached a 11x17 Site Plan of Property

ACTION OPTIONS:

Discussion/ Suggested Action to Council

**Pages 70-109
have been
withdrawn per
request by the
applicant.**

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 6.d.
Meeting Date October 25 ,2023

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: MVB Engineering LLC (Applicant) to Change Zoning & Land Use at Parcel ID # 28-38-31-00-253 & 28-38-31-00-255 AKA: 1080 Highway 1, Malabar FL 32950 located on West side of Highway 1 across from Indian River Property is presently Residential/Limited Commercial (R/LC) and the request is to change to Commercial General (CG)

BACKGROUND/HISTORY:

The Applicant MVB Engineering LLC is representing property owners Robert B & Jill M Trettis and has applied to change the zoning/land use from Residential/Limited Commercial (R/LC) to Commercial General (CG). The Property known as 1080 Highway 1; Malabar Florida 32950 consists of 2.26 +/- acres.

The Applicant plan is to develop property for a self-storage facility (no site plan was submitted). There are other properties adjacent that have the same Zoning/Land Use as applicant. The Town has codes and requirements for self-storage facilities that would need to be followed accordingly.

Attached please find:

- Land Use Amendment and Zoning change Application
- Brevard County Property Appraisers Information
- Public Notice
- Radius Map for 500' & letter
- Warranty Deed / Legal Description
- Portions of Article II & III District Provisions & Zoning Maps

ACTION OPTIONS:

Discussion/ Suggested Action to Council

APPLICATION

**FOR LAND USE ZONING
CHANGE**

TOWN OF MALABAR
2725 Malabar Road, Malabar, Florida 32950
(321) 727-7764 – Telephone
(321) 727-9997 - Fax

TOWN OF MALABAR

AUG 13 2023

No. _____ RECEIVED

Date: _____

APPLICATION FOR LAND USE AMENDMENT
AND ZONING CHANGE

Before completing this application, please refer to the attached:

- General Information
- Section 1-12.5 - Procedures for Adopting, Supplementing or Amending the Land Development Code
- Florida Statutes, Chapter 166.041(c)
- Article III - District Provisions

This application must be completed, with required attachments listed below, and returned to the Town Clerk's office.

Name of Applicant(s): Robert B and Jill M Trettis Telephone #: _____
Mailing Address: 107 Sunset Drive, Cocoa Beach, FL 32931

Legal description of property covered by application:

Township: 28 Range: 38 Section: 31
Lot/Block: 00, Parcel Subdivision: 253 and 255
Other Legal: Part of NW 1/4 as described in DB 312 Pg 179 and DB 327 Pg 389
Exc ORB 885 [g 276, 1465 and RR & Hwy R/W's

Property Address: 1080 Highway 1, Malabar FL 32950


- Current and Proposed Comprehensive Plan Land Use Map Designation. The current and proposed Comprehensive Plan Land Use Map designation for the subject property shall be identified: Current: R/LC Proposed: CG
- Current and Proposed Zoning. The current and proposed zoning for the subject property shall be identified: Current: R/LC Proposed: CG
- Existing and Proposed Use. The existing and proposed use of the subject property shall be stated: Current: Vacant Proposed: Self Storage Facility

Fees:

- Rezoning - \$325 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant.
- Rezoning & Land Use Charges - \$625 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant. (2.32 acres) \$625.00 + 30.00 = \$655.00
(*Additional costs may include, but are not limited to engineering fees, attorney fees, etc.)

Required Attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$ 655.00 in check or money order payable to *Town of Malabar*. We do not accept cash or credit cards.
- Radius package from Brevard County P&Z GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office.


Signature of Applicant


Signature of Applicant

AUG 03 2023

RECEIVED

TOWN OF MALABAR
APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

Where the property is not owned by the applicant, a letter/letters must be attached giving the notarized consent of the owner/owners to the applicant to request a rezoning review of the property.

Please complete only one of the following:

I, Bruce A. Moia, P.E. - MBV Engineering, Inc., being first duly sworn, depose and say that I, Bruce A. Moia, P.E., am the legal representative of the Owner or Lessee of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

[Signature]
Applicant

8/2/23
Date

[Signature]
Applicant

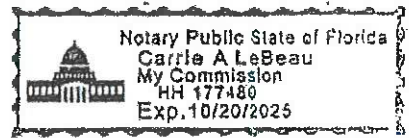
8-2-23
Date

Sworn and subscribed before me this 2nd day of August, 20 23.

NOTARY PUBLIC
STATE OF FLORIDA

[Signature]

Commission No.: HH177480 My Commission Expires: 10/20/25



I, Robert and Jill Trettis, being first duly sworn, depose and say that I, Robert and Jill Trettis, am the Owner of the property described, which is the subject matter of this application; that all of the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

[Signature]
Applicant

8-2-23
Date

[Signature]
Applicant

8/2/23
Date

Sworn and subscribed before me this 2nd day of August, 20 23.

NOTARY PUBLIC
STATE OF FLORIDA

[Signature]

Commission No.: HH177480 My Commission Expires: 10/20/2025



GENERAL INFORMATION
AMENDMENTS TO THE COMPREHENSIVE PLAN OR REZONING

AUG 03 2023

RECEIVED

In 1985, the Florida Legislature enacted the Local Government Comprehensive Planning and Land Development Regulation Act as part of a comprehensive package of legislation dealing with growth management. The Act is codified in Chapter 163 of the Florida Statutes. Pursuant to requirements in the Act, the Town of Malabar adopted a Comprehensive Plan with the enactment of Ordinance Number 90-5 on April 17, 1990 and subsequent amendments. This Plan, combined with the requirements of the Act and various Town ordinances and resolutions, has a direct effect upon the development of land within the Town of Malabar. You are encouraged to review these documents prior to making decisions concerning land development matters.

In the event that you are requesting a rezoning, it may be necessary for you to first seek an amendment to the Land Use Element of the Comprehensive Plan. Our office staff will provide you with the application to request such an amendment. You are advised, however, that this is a significant undertaking, requiring the submission of considerable requirements of notice and public hearings. The following schedule is provided to assist you in your planning:

If the parcel is under ten acres:

1. The Town's staff shall have up to thirty (30) days in which to review the application. During this time the land shall be posted by the applicant that it is the subject of a land use change request. It will then be scheduled before the Planning and Zoning Advisory Board for a Public Hearing.
2. The Planning and Zoning Board, during its meeting, will receive comment from the applicant and any other interested persons. In addition, the Board will review the written comments of the Town's professional staff, which may include the Engineer, Attorney, Planner, Fire Inspector, and Building Official. The Board will then make written recommendations to the Town Council.
3. If the recommendation is to approve the changes, the requests will be drafted into ordinance form and presented to the Town Council for a First Reading. Then a Public Hearing will be scheduled.
4. A newspaper legal advertisement will be run 10 days prior to the Public Hearing before Town Council. A similar courtesy notice will be sent to each property owner within a radius of 500' of the subject property. The applicant will be notified by the Town Clerk of the date of the public hearing before Town Council.
5. The Town Council will conduct the public hearing on the issue, receiving comments from all persons interested in the matter.
6. The amendment request, if approved by the Town Council, will be forwarded to the Department of Community Affairs of the State of Florida. Various State agencies will then review the proposed amendment and submit their comments back to the Department of Community Affairs. The Department of Community Affairs must then publish an intent to approve or disapprove the proposed amendment within 90 days of receipt of the proposed amendment from the Town Council.
7. In the event that the Department of Community Affairs approves the proposed amendment, it shall take effect. If, however, the Department does not approve the amendment, a notice of additional public hearings will be provided to the Town and published in a newspaper of general circulation in Brevard County. Thereafter, a Hearing Officer will conduct a formal proceeding and make final recommendations to the Department of Community Affairs.

If the parcel of land which is the subject of your amendment application is less than five acres, you may be entitled to an exception from the twice-annual submission requirement. Please consult with an attorney or other person of your choice who can provide you with professional advice concerning this exception procedure.

AUG 03 2023

RECEIVED

If the parcel is ten acres or larger:

1. The Town's staff shall have thirty (30) days in which to review the application. If the application is determined to be complete and all staff comments have been responded to, it will then be scheduled before the Planning and Zoning Advisory Board.
2. The Planning and Zoning Board, during its meeting, will receive comment from the applicant and any other interested persons. In addition, the Board will review the written comments of the Town's professional staff, which may include the Engineer, Attorney, Planner, Fire Inspector, and Building Official. The Board will then make written recommendations to the Town Council.
3. If the recommendation is to approve the changes, the requests will be drafted into ordinance form. Then a Public Hearing will be scheduled before the Planning and Zoning Advisory Board.
4. A newspaper advertisement, a minimum of two columns wide, must be run in a section of paper other than the legal section. The ad must include a map of the general area and depict the subject parcel. The ad shall notify persons of the Public Hearing before Planning and Zoning and the subsequent Public Hearing before Town Council. Staff will abide by F.S. 163 regarding these requirements. A copy of the notice of public hearing will be mailed to each property owner within a radius of 500' of the subject property. The applicant will be notified by the Town Clerk of the dates of the public hearings before Planning and Zoning and Town Council.
5. The Planning and Zoning Advisory Board will conduct the public hearing on the issue, receiving comments from all persons interested in the matter. They will then forward a written recommendation to Town Council and the applicant.
6. The Town Council will hold a first reading and subsequently, conduct the advertised public hearing on the issue, receiving comments from all persons interested in the matter.
7. The amendment request, if approved by the Town Council for transmittal, will be forwarded to the Department of Community Affairs of the State of Florida. Various State agencies will then review the proposed amendment and submit their comments back to the Department of Community Affairs. The Department of Community Affairs must then publish an Intent to approve or disapprove the proposed amendment within 90 days of receipt of the proposed amendment from the Town Council.
8. In the event that the Department of Community Affairs approves the proposed amendment, it shall take effect. If, however, the Department does not approve the amendment, a notice of additional public hearings will be provided to the Town and published in a newspaper of general circulation in Brevard County. Thereafter, a Hearing Officer will conduct a formal proceeding and make final recommendations to the Department of Community Affairs.

TOWN OF MALABAR
AUG 03 2023
RECEIVED

August 1, 2023

Ms. Denine Shearer
Town of Malabar – Land Development Division
3725 Malabar Road
Malabar, FL 32950

Via Hand Delivery

RE: Malabar Self Storage
Parcel #: 28-38-31-00-253 / 2850946
28-38-31-00-255 / 2850948
MBV Project #: 23-1040

Project Description

Dear Ms. Shearer:

Please allow this letter to serve as narrative for the intended Zoning actions for the parcel listed above, within the Town of Malabar.

The subject parcel is +/- 2.26 acres (per survey) with current Zoning and Land Use of R/LC. We are requesting the Rezoning and a Land Use change to CG.

The development of the property will also consist of neighboring parcel 28-38-64-00-267, which is already zoned CG. The intended use is for a Self Storage Facility.

After rezoning is completed, Site Plan and all associated applications will be submitted for the development by MBV Engineering for the parcels. Applications will also be submitted to any other municipalities as needed.

Sincerely,



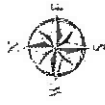
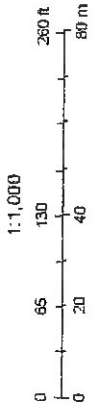
Wanda Kessler, Permitting Coordinator

BREVARD COUNTY

PROPERTY APPRAISERS

INFORMATION

FOR PROPERTY



All BC-PAO 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 computer 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.

Map created July 26, 2023 (map data dates may vary)

TOWN OF MALABAR

AUG 03 2023

RECEIVED



REAL PROPERTY DETAILS
Account 2850948 - Roll Year 2023

Owners	TRETTIS, ROBERT B; TRETTIS, JILL M
Mailing Address	107 SUNSET DRIVE COCOA BCH FL 32931
Site Address	NONE
Parcel ID	28-38-31-00-255
Taxing District	34Z0 - MALABAR
Exemptions	NONE
Property Use	1000 - VACANT COMMERCIAL LAND
Total Acres	0.56
Site Code	0111 - RIVER VIEW
Plat Book/Page	0000/0000
Subdivision	--
Land Description	PART OF NW 1/4 AS DESC IN DB 312 PG 179 EXC RR & HWY R/W'S



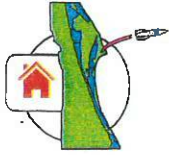
VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$59,000	\$59,000	\$59,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$59,000	\$59,000	\$59,000
Assessed Value School	\$59,000	\$59,000	\$59,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$59,000	\$59,000	\$59,000
Taxable Value School	\$59,000	\$59,000	\$59,000

SALES / TRANSFERS

Date	Price	Type	Instrument
06/13/2014	--	WD	7150/1361
06/13/2014	--	QC	7150/1353
06/11/2014	\$90,000	WD	7150/1365
03/12/2012	\$200,000	WD	6823/2531
12/21/2007	--	QC	5873/7431
02/13/2006	\$125,000	WD	5606/3653
01/01/1974	\$15,000	--	1411/0068

No Data Found



REAL PROPERTY DETAILS
Account 2850946 - Roll Year 2023

Owners TRETTIS, ROBERT B; TRETTIS, JILL M
Mailing Address 107 SUNSET DRIVE COCOA BCH FL 32931
Site Address 1080 HIGHWAY 1 MALABAR FL 32950
Parcel ID 28-38-31-00-253
Taxing District 34Z0 - MALABAR
Exemptions NONE
Property Use 1000 - VACANT COMMERCIAL LAND
Total Acres 1.70
Site Code 0111 - RIVER VIEW
Plat Book/Page 0000/0000
Subdivision --
Land Description PART OF NW 1/4 AS DES IN DB 327 389 EX ORB 885 PG 276,1465 PG 386



VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$167,400	\$167,400	\$167,400
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$167,400	\$167,400	\$167,400
Assessed Value School	\$167,400	\$167,400	\$167,400
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$167,400	\$167,400	\$167,400
Taxable Value School	\$167,400	\$167,400	\$167,400

SALES / TRANSFERS

Date	Price	Type	Instrument
06/13/2014	--	WD	7150/1361
06/13/2014	--	QC	7150/1353
06/11/2014	\$90,000	WD	7150/1365
03/12/2012	\$200,000	WD	6823/2531
12/21/2007	--	QC	5873/7431
04/22/2005	\$470,000	WD	5459/8054
02/28/1998	\$145,000	WD	3786/1859
02/01/1979	\$55,000	--	2006/0350
09/01/1978	--	QC	1945/0331
03/01/1972	\$300,000	--	1232/0783

No Data Found

TOWN OF MALABAR
AUG 03 2023
RECEIVED

PUBLIC

NOTICE



PUBLIC NOTICE

CASE NO. LU/ZC- 03 -2023

The Public Hearings will be conducted at the Town of Malabar Council Chambers, 2725 Malabar Road, Malabar, FL 32950

Planning and Zoning Board Meeting:
Wednesday, **October 25, 2023 @ 6:00 pm**

Town Council Meeting:
Monday, **November 6, 2023 @ 7:30 pm**

APPLICANT: MVB ENGINEERING, LLC FOR PROPERTY OWNERS
ROBERT B AND JILL M TRETTIS

REQUEST: APPROVAL OF COMP PLAN MAP CHANGE ZONING CHANGE FROM
R/LC TO CG

ORDINANCE 2023-08

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA;
RECLASSIFYING THE COMP PLAN MAP AND REZONING THE PROPERTY AS
FOLLOWS:

1080 US HWY 1, MALABAR FL AKA THE 2.26 +/- ACRES LYING IN TOWNSHIP 28,
RANGE 38, SECTION 31, LOT 253 & 255 LYING ON THE WEST SIDE OF US HWY 1,
FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL
(CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; THE
INTENT USE IS FOR A SELF STORAGE FACILITY PROVIDING AN EFFECTIVE
DATE.

This re-zoning application may be inspected by the public at the Town Clerk's Office between the hours of 8:30AM and 5:00PM weekdays. Interested people are encouraged to appear at these hearings and provide comments regarding the proposed ordinances. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764, Richard Kohler, Town Clerk.

**FOR MORE INFORMATION
CONTACT THE BUILDING DEPARTMENT
AT (321) 727-7764 X 14**



2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

October 10, 2023

To: brelegals@gannett.com
From: Richard Kohler, Town Clerk, and Town of Malabar
townclerk@townofmalabar.org

Please place the following legal notice one time in your paper; on **Wednesday, October 11, 2023**. Please put the heading in **BOLD** font. Please send proof via email to: townclerk@townofmalabar.org and mail ONE affidavit to 2725 Malabar Road, Malabar, FL 32950.

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARING**

The Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Wednesday October 25, 2023, at 6:00PM to consider request from the representative MVB Engineering, LLC for the property owners Robert B and Jill M. Trettis for a Zoning Map change/ Land Use from Residential/Limited Commercial (R/LC) to Commercial General (CG). The parcel is 2.26 +/- acres and currently zoned R/LC 1080 US Hwy 1, Malabar FL 32950 AKA Parcel ID # 28-38-31-253 & 255.

The Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar, Florida on Monday November 6, 2023, at 7:30PM or as soon thereafter as the matter can be heard, to conduct a public hearing on the same request and to consider the recommendation from Planning and Zoning Board. The zoning/land use change is Ordinance 2023-08.

Copies of this document are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida during regular business hours. All interested parties may email comments to townclerk@townofmalabar.org or mail comments to 2725 Malabar Road, Malabar FL 32950 or appear and be heard at these meetings of the Planning and Zoning Board and Town Council with respect to this topic.

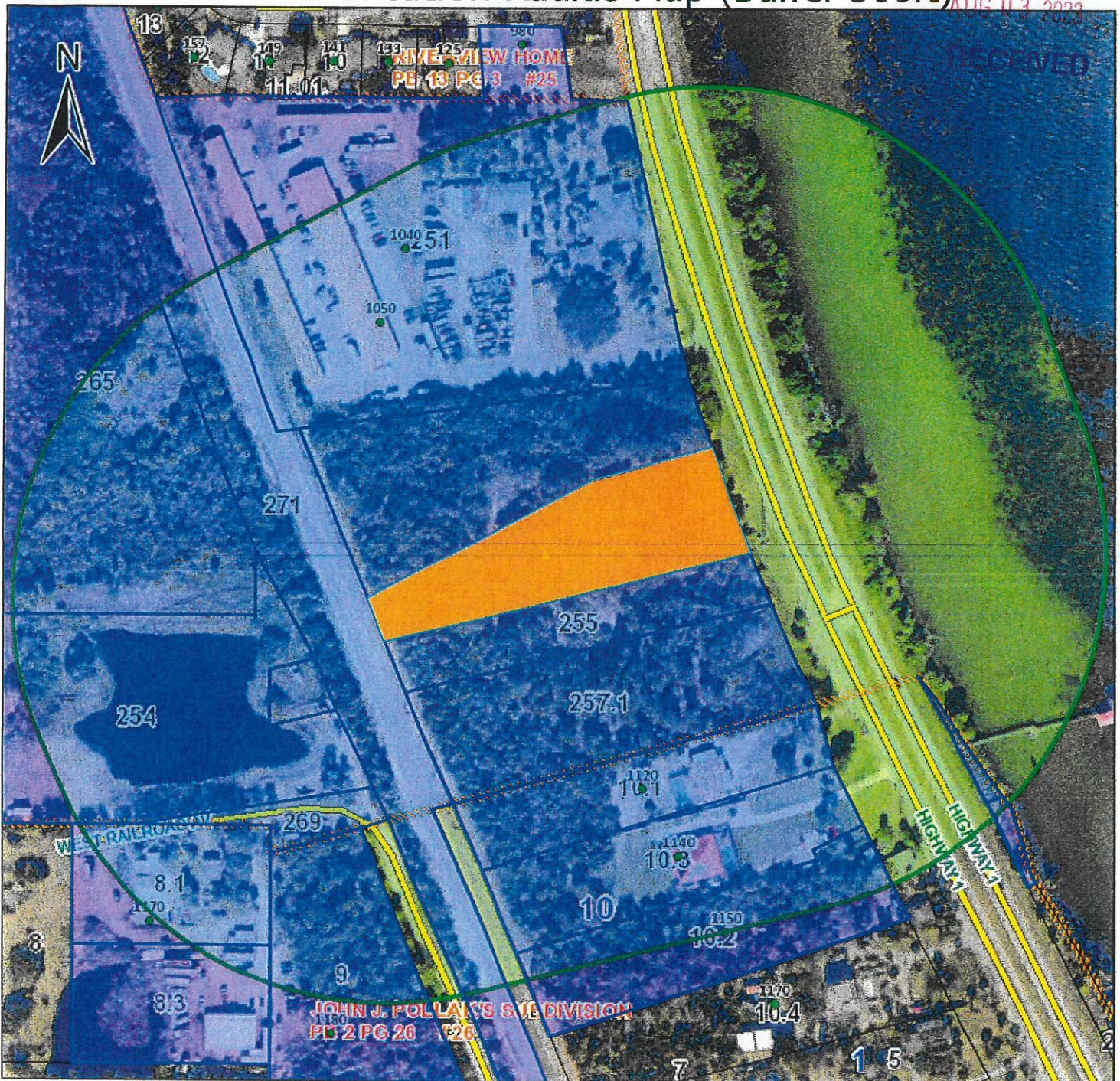
Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-4464 Richard Kohler, Town Clerk.

**RADIUS MAP
PACKAGE
&
LETTER**

Public Notification Radius Map (Buffer 500ft)

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Parcel Property Layer27

Subdivisions

Address Point Layer

Block Text

Address Points

Parcel Information Layers

Parcel Property

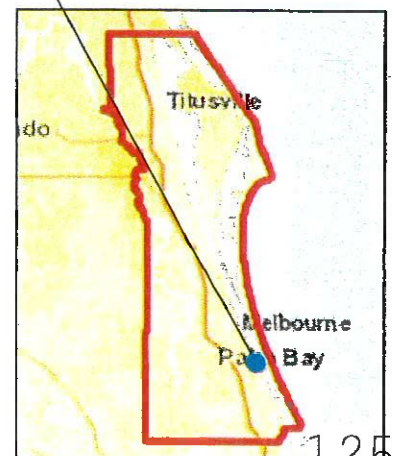
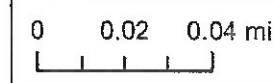
Parcels

Buffer Boundary in GREEN

Notify Properties in BLUE

Disclaimer: This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Scale: 1:2,400
1 inch equals 200 feet



<p>Tax Account ID: 2851036 LINNELL, MICHAEL LLOYD 2275 GRANT RD GRANT, FL 32949</p>	<p>Tax Account ID: 3017126 WHYNOT, HAROLD W 155 WHYNOT DR PALM BAY, FL 32909</p>	
<p>Tax Account ID: 2851038 GREIMEL, JOHN ANTHONY ECK, MARY G 1150 S US HIGHWAY 1 MALABAR, FL 32950</p>	<p>Tax Account ID: 2850946 TRETTIS, ROBERT B TRETTIS, JILL M 107 SUNSET DRIVE COCOA BCH, FL 32931</p>	
<p>Tax Account ID: 2851039 ZEMKOSKI, JOYCE L 1120 S US HIGHWAY 1 MALABAR, FL 32950</p>	<p>Tax Account ID: 2850948 TRETTIS, ROBERT B TRETTIS, JILL M 107 SUNSET DRIVE COCOA BCH, FL 32931</p>	
<p>Tax Account ID: 2851041 LEYVA, JOSE 1140 S US HIGHWAY 1 MALABAR, FL 32950</p>	<p>Tax Account ID: 2850950 ZEMKOSKI, RICHARD Z ZEMKOSKI, JOYCE L 3450 LEGHORN RD MALABAR, FL 32950</p>	
<p>Tax Account ID: 2851040 GREIMEL, JOHN A 1150 S US HIGHWAY 1 MALABAR, FL 32950</p>	<p>Tax Account ID: 2850961 GORMAN, JERRY G GORMAN, JUDITH W 60 LINDEN AVE BETHPAGE, NY 11714</p>	
<p>Tax Account ID: 2850947 PALMAROSA NURSERY OF VALKARIA LLC 1255 VALKARIA ROAD MALABAR, FL 32950</p>		
<p>Tax Account ID: 2850945 BAKER FAMILY TRUST 1040 S US HIGHWAY 1 MALABAR, FL 32950</p>		
<p>Tax Account ID: 2850958 C I T A INC 2330 JOHNNY ELLISON DR MELBOURNE, FL 32901</p>		
<p>Tax Account ID: 2851637 LINNELL, MICHAEL LLOYD 2275 GRANT RD GRANT, FL 32949</p>		
<p>Tax Account ID: 2857950 FLORIDA EAST COAST RAILWAY LLC 7150 PHILIPS HWY JACKSONVILLE, FL 32256</p>		

TOWN OF MALABAR

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TaxAcct	OWNER_NAME1	OWNER_NAME2	OWNER_STREET_NAME	OWNER_CITY	OWNER_STATE	OWNER_OWNER_ZIP5
2851036	LINNELL, MICHAEL LLOYD		2275 GRANT RD	GRANT, FL	FL	32949
2851038	GREIMEL, JOHN ANTHONY	ECK, MARY G	1150 S US HIGHWAY 1	MALABAR, FL	FL	32950
2851039	ZEMKOSKI, JOYCE L		1120 S US HIGHWAY 1	MALABAR, FL	FL	32950
2851041	LEYVA, JOSE		1140 S US HIGHWAY 1	MALABAR, FL	FL	32950
2851040	GREIMEL, JOHN A		1150 S US HIGHWAY 1	MALABAR, FL	FL	32950
2850947	PALMAROSA NURSERY OF VALKARIA LLC		1255 VALKARIA ROAD	MALABAR, FL	FL	32950
2850945	BAKER FAMILY TRUST		1040 S US HIGHWAY 1	MALABAR, FL	FL	32950
2850958	C I T A INC		2330 JOHNNY ELLISON DR	MELBOURNE, FL	FL	32901
2851637	LINNELL, MICHAEL LLOYD		2275 GRANT RD	GRANT, FL	FL	32949
2857950	FLORIDA EAST COAST RAILWAY LLC		7150 PHILIPS HWY	JACKSONVILLE, FL	FL	32256
3017126	WHYNOT, HAROLD W		155 WHYNOT DR	PALM BAY, FL	FL	32909
2850946	TRETTIS, ROBERT B	TRETTIS, JILL M	107 SUNSET DRIVE	COCOA BCH, FL	FL	32931
2850948	TRETTIS, ROBERT B	TRETTIS, JILL M	107 SUNSET DRIVE	COCOA BCH, FL	FL	32931
2850950	ZEMKOSKI, RICHARD Z	ZEMKOSKI, JOYCE L	3450 LEGHORN RD	MALABAR, FL	FL	32950
2850961	GORMAN, JERRY G	GORMAN, JUDITH W	60 LINDEN AVE	BETHPAGE, NY	NY	11714

TOWN OF MALABAR

AUG 03 2023

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2725 Malabar Road
Malabar, FL 32950
321-727-7764 (Office) 321-727-9997 (Fax)
www.townofmalabar.org

**TOWN OF MALABAR
NOTICE OF PUBLIC HEARING**

The Malabar Planning and Zoning Board will hold a Public Hearing on Wednesday October 25, 2023 @ 6PM for Recommendation to Town Council on November 6, 2023 @ 7:30PM.

The applicant is MVB Engineering Inc representing Robert & Jill Trettis (property owner), approval of Comp Map change from Residential/ limited Commercial(R/LC) to Commercial General (CG) The intent is to do a self-storage facility on 2.26 acres +/-.

ORDINANCE 2023-08

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; RECLASSIFYING THE COMP PLAN MAP AND REZONING THE PROPERTY AS FOLLOWS:
1080 US HWY 1, MALABAR FL AKA THE 2.26 +/- ACRES LYING IN TOWNSHIP 28, RANGE 38, SECTION 31, LOT 253 & 255 LYING ON THE WEST SIDE OF US HWY 1, FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; THE INTENDED USE IS FOR A SELF STORAGE FACILITY PROVIDING AN EFFECTIVE DATE.

All interested citizens are encouraged to attend and offer comments. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764 Richard Kohler Town Clerk.

Dear Property Owner,

If you receive this notice then you are listed as an owner of property, as shown in the records of the County Property Appraiser's office, within 500' of the project site. This Notice is provided as required by Malabar Code Chapter 2, Section 2-240.6. a. You are invited to attend or submit your comments before the meeting to the TownClerk@townofmalabar.org

LEGAL DESCRIPTION

&

WARRANTY DEED

H/CW
Prepared by and return to:

Smith & Associates, Inc.
1499 S. Harbor City Blvd. Suite 202
Melbourne, FL 32901
321-676-5555
File Number: Comrc'l to Trtis
Will Call No.:

[Space Above This Line For Recording Data]

Corrective Special Warranty Deed

This Special Warranty Deed made this 13 day of June, 2014 between Williams A. Joyner, a married man, whose post office address is 901 South Federal Highway, Suite 101, Ft. Lauderdale, FL 33316, grantor, and Commercial 5-12 Fund, LLC, a Delaware Limited Liability Company whose post office address is 999 Corporate Drive, Suite 215, Ladera Ranch, CA 92694, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witneseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

This Corrective Special Warranty Deed is being executed to correct the legal description contained in ~~Special Warranty Deed recorded in O.R. Book 6823, Page 3531, Public Records~~ of Brevard County, Florida.

Subject to taxes for 2014 and subsequent years; zoning and other governmental regulations, covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

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 the 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 the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Handwritten Signature]

Witness Name: John Proikas

Kimberly J. Simon

Witness Name: Kimberly J. Simon

[Handwritten Signature]
WILLIAMS A JOYNER

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 13 day of June, 2014 by Williams A. Joyner. He is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]



KIMBERLY J. SIMON
MY COMMISSION # FF 000049
EXPIRES: May 5, 2017
Bonded thru Budget Notary Services

Kimberly J. Simon
Notary Public

Printed Name: Kimberly J. Simon

My Commission Expires: _____

AUG 03 2023

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EXHIBIT A

Parcel "1":

THE PORTION OF PARCEL 1 AS DESCRIBED IN DEED BOOK 327, PAGE 389, BREVARD COUNTY, PUBLIC RECORDS, LYING EASTERLY OF THE FLORIDA EAST COAST RAILROAD RIGHT OF WAY, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31 TOWNSHIP 28 SOUTH, RANGE 38 EAST, RUN NORTH 957.5 FEET TO AN IRON POPE; THENCE NORTH $74^{\circ}35'00''$ EAST ALONG THE SOUTHERLY PROPERTY LINE OF PROPERTY DESCRIBED IN DEED BOOK 299, PAGE 469, A DISTANCE OF 271.65 FEET TO THE EASTERLY RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD; THENCE NORTH $22^{\circ}30'45''$ WEST ALONG THE RIGHT OF WAY A DISTANCE OF 260.67 FEET TO THE SOUTHERLY PROPERTY LINES OF PROPERTY DESCRIBED IN DEED BOOK 327, PAGE 389 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH $22^{\circ}30'45''$ WEST ALONG SAID EASTERLY RIGHT OF LINE A DISTANCE OF 63.34 FEET; THENCE RUN NORTH $61^{\circ}59'47''$ EAST A DISTANCE OF 349.77 FEET; THENCE NORTH $74^{\circ}30'31''$ EAST A DISTANCE OF 172.30 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 1; THENCE ALONG SAID RIGHT OF WAY LINES AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2809.93 FEET AND CENTRAL ANGLE OF $03^{\circ}02'35''$ AN ARC DISTANCE OF 153.48 FEET TO THE SOUTHERLY PROPERTY LINE OF PARCEL 1 AS DESCRIBED IN DEED BOOK 327, PAGE 389, THENCE SOUTH $76^{\circ}05'00''$ SECONDS WEST ALONG SAID SOUTHERLY PROPERTY LINE A DISTANCE OF 519.35 FEET TO THE POINT OF BEGINNING.

AND

Parcel "A":

~~A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF U S HIGHWAY No 1, AS PRESENTLY OCCUPIED, WITH THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5525, PAGE 8473, THENCE S $83^{\circ}29'48''$ W ALONG SAID NORTH LINE 548.22 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE S $22^{\circ}30'45''$ E ALONG SAID EASTERLY RIGHT OF WAY LINE 326.57 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5459, PAGE 8054, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, THENCE N $76^{\circ}08'24''$ E ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5459, PAGE 8054 A DISTANCE OF 519.81 FEET TO THE INTERSECTION WITH A CIRCULAR CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2889.93 FEET, SAID CIRCULAR CURVE ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF U S HIGHWAY No 1, AS PRESENTLY OCCUPIED, A RADIAL LINE BEARS S $68^{\circ}04'37''$ W TO SAID INTERSECTION, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $01^{\circ}31'39''$, A DISTANCE OF 77.04 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2528, PAGE 1887, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S $76^{\circ}09'48''$ W ALONG SAID NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2528, PAGE 1887, A DISTANCE OF 520.08 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE N $22^{\circ}30'45''$ W ALONG SAID EASTERLY RIGHT OF WAY LINE 76.79 FEET TO THE POINT OF BEGINNING.

Parcel "B"

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No 1, AS PRESENTLY OCCUPIED, WITH THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5525, PAGE 8473; THENCE S 83°29'48" W ALONG SAID NORTH LINE 548.22 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE S 22°30'45" E ALONG SAID EASTERLY RIGHT OF WAY LINE 326.57 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5459, PAGE 8054, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE S 76°08'24" W 101.15 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID FLORIDA EAST COAST RAILWAY AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 22°30'45" E ALONG SAID WESTERLY RIGHT OF WAY LINE 76.75 FEET, THENCE S 76°09'48" W 95.30 FEET TO THE EAST LINE OF THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 31, THENCE N 00°05'07" W ALONG SAID EAST LINE 78.08 FEET, THENCE N 76°08'24" E 65.16 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

PARCEL 1

THE PORTION OF PARCEL 1 AS DESCRIBED IN DEED BOOK 327, PAGE 389, BREVARD COUNTY, PUBLIC RECORDS, LYING EASTERLY OF THE FLORIDA EAST COAST RAILROAD RIGHT OF WAY, BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, RUN NORTH 957.5 FEET TO AN IRON PIPE, THENCE N 74°35'00" E ALONG THE SOUTHERLY PROPERTY LINE OF PROPERTY DESCRIBED IN DEED BOOK 299, PAGE 469, A DISTANCE OF 271.65 FEET TO THE EASTERLY RIGHT OF WAY OF THE FLORIDA EAST COAST RAILROAD. THENCE N 22°30'45" W ALONG THE RIGHT OF WAY A DISTANCE OF 260.67 FEET TO THE SOUTHERLY PROPERTY LINES OF PROPERTY DESCRIBED IN DEED BOOK 327. PAGE 389 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, THENCE CONTINUE: N 22°30'45" W ALONG SAID EASTERLY RIGHT OF LINE A DISTANCE OF 63.34 FEET, THENCE RUN N 61°59'47" E A DISTANCE OF 349.77 FEET, THENCE N 74°30'31" E A DISTANCE OF 172.30 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF US HIGHWAY NO 1, THENCE ALONG SAID RIGHT OF WAY LINES AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2809.93 FEET AND CENTRAL ANGLE OF 03°02'35" AN ARC DISTANCE OF 153.48 FEET TO THE SOUTHERLY PROPERTY LINE OF PARCEL 1 AS DESCRIBED IN DEED BOOK 327, PAGE 389. THENCE S 76°05'00" W ALONG SAID SOUTHERLY PROPERTY LINE A DISTANCE OF 519.35 FEET TO THE POINT OF BEGINNING.

PARCEL 2

FROM AN OLD CONCRETE POST MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, RUN NORTH 957.5 FEET TO AN OLD IRON PIN WHICH IS THE POINT OF BEGINNING OF THIS TRACT OF LAND, FROM SAID POINT OF BEGINNING RUN N 74° 35' E 936 FEET TO THE WATERS OF THE INDIAN RIVER, THENCE RUN THE WATERS OF THE INDIAN RIVER A NORTHWESTERLY COURSE 219.22 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE LAND NOW OWNED BY FRANCIS H LITTIER AND BLANCHE A LITTIER, THENCE RUN FROM THE WATERS OF THE INDIAN RIVER A COURSE OF S 76°21' W ON THE SOUTH LINE OF SAID LITTIER PROPERTY 820 FEET, MORE OR LESS, TO THE LINE DIVIDING THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 FROM THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, AND THENCE RUN FROM THE SAID DIVIDING LINE SOUTH 272.7 FEET TO THE POINT OF BEGINNING, TOGETHER WITH ALL AND SINGULAR THE RIPARIAN RIGHTS THEREUNTO BELONGING

AND

THE WEST FORTY-TWO (42 FEET OF A TWO HUNDRED (200) FOOT RIGHT OF WAY AS RESERVED OVER LANDS IN SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, AS RECORDED IN DEED BOOK 284, PAGE 79, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

EXCEPT HIGHWAY RIGHT OF WAY AS IT NOW EXISTS

LESS AND EXCEPTING FROM THE ABOVE DESCRIBED PROPERTY, THE FOLLOWING-

BEGIN AT AN IRON PIPE 957.5 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, THENCE N 74°35' E 936 FEET TO THE SHORES OF THE INDIAN RIVER, THENCE N 25°W 165 FEET, THENCE S 76°21' W 854 FEET TO AN IRON PIPE ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31. 194.7 FEET NORTH OF THE POINT OF BEGINNING, THENCE FOLLOW SOUTH ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31, 194.7 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY AS DESCRIBED IN DEED BOOK FF, PAGE 548, AND THE RIGHT OF WAY OF US HIGHWAY NO 1 AS DESCRIBED IN DEED BOOK 284, PAGE 79.

BEGINNING AT AN IRON PIPE 996.1 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, THENCE GO WESTERLY ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 1320 FEET, MORE OR LESS, TO THE LINE DIVIDING RANGES 37 AND 38, THENCE NORTH ON SAID RANGE LINE 167.95 FEET, THENCE EASTERLY ON A LINE PARALLEL TO THE SOUTH LINE OF SAID SECTION 1320 FEET, MORE OR LESS, TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 7/4 OF SAID SECTION 31 AT A POINT 167.95 FEET NORTH OF THE POINT OF BEGINNING, THENCE SOUTH ON SAID LINE TO THE POINT OF BEGINNING.

THAT PORTION OF THE WEST FORTY-TWO (42) FEET OF A 200 FOOT RIGHT OF WAY AS RESERVED OVER LANDS IN SECTION .31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, AS RECORDED IN DEED BOOK 284, PAGE 79, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, WHICH LIES IMMEDIATELY EAST AND CONTIGUOUS WITH, THE LANDS DESCRIBED IN DEED BOOK 299, PAGE 469, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SURVEYORS DESCRIPTION- PARCEL "A" (AT REQUEST OF CLIENT)

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF US. HIGHWAY NO 1, AS PRESENTLY OCCUPIED, WITH THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5525, PAGE 8473, THENCE S 83°29'48" W ALONG SAID NORTH LINE 548.22 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE S 22°30'45" E ALONG SAID EASTERLY RIGHT OF WAY LINE 326.57 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5459, PAGE 8054, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE POINT OF

BEGINNING OF THE HEREIN DESCRIBED PARCEL, THENCE N 76°08'24" E ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5459, PAGE 8054 A DISTANCE OF 519.81 FEET TO THE INTERSECTION WITH A CIRCULAR CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 2889.93 FEET, SAID CIRCULAR CURVE ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO 1, AS PRESENTLY OCCUPIED, A RADIAL LINE BEARS S 68°04'.37" W TO SAID INTERSECTION, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°31' 39", A DISTANCE OF 77.04 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2528, PAGE 1887, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THENCE S 76°09'48" W ALONG SAID NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2528, PAGE 1887 A DISTANCE OF 520.08 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE N 22°30'45" W ALONG SAID EASTERLY RIGHT OF WAY LINE 76.79 FEET TO THE POINT OF BEGINNING.

SURVEYORS DESCRIPTION- PARCEL "B" (AT REQUEST OF CLIENT)

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 28 SOUTH, RANGE 38 EAST, BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY NO 1, AS PRESENTLY OCCUPIED, WITH THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5525, PAGE 847.3, THENCE S 83°29'48" W ALONG SAID NORTH LINE 548.22 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE S 22°30'45" E ALONG SAID EASTERLY RIGHT OF WAY LINE 326.57 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5459, PAGE 8054, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, THENCE S 78°08'24" W 101.15 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID FLORIDA EAST COAST RAILWAY AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, THENCE S 22°30'45" E ALONG SAID WESTERLY RIGHT OF WAY LINE 76.75 FEET, THENCE S 76°09'48" W 95.30 FEET TO THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 31, THENCE N 00°05'07" W ALONG SAID EAST LINE 78.08 FEET, THENCE N 76°08'24" E 65.16 FEET TO THE POINT OF BEGINNING.

TOWN OF MALABAR
PORTIONS OF
CODES
FOR LAND DEVELOPMENT

- **ARTICLE II & III**
 - **MAPS**

Table 1-2.1, "Future Land Use Map (FLUM) Designations and Zoning Districts" references adopted FLUM designations contained in the land use element of the Town of Malabar Comprehensive Plan and identifies corresponding zoning districts which are hereby established in order to implement the FLUM designations, respectively.

TABLE 1-2.1. FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS

Future Land Use Map Designations		Corresponding Zoning Districts	
OSR	Open Space and Recreation	CP INS	Coastal Preservation Institutional
RR	Rural Residential	RR-65	Rural Residential
LDR	Low Density Residential	RS-21	Single Family LDR
MDR	Medium Density Residential	RS-15 RS-10 RM-4	Single Family MDR Single Family MDR Multiple Family MDR
HDR	High Density Residential	RM-6 R-MH RVP	Multiple Family HDR Residential Mobile Home Recreational Vehicle Park
MRO	Multiple-family Residential or Office Space	RM-4 RM-6 OI	Multiple Family HDR Multiple Family MDR Office-Institutional
OI	Office-Institutional	OI INS	Office-Institutional Institutional
CL	Commercial Limited	CL	Commercial Limited
CG	Commercial General	CG	Commercial General
R/LC	Residential and Limited Commercial	R/LC	Residential and Limited Commercial
IND	Industrial	IND	Industrial
INS	Institutional	INS	Institutional
*PUD(R)	Planned Unit Development (Residential)	PUD(R)	Planned Unit Development (Residential)
*PUD(C)	Planned Unit Development (Commercial)	PUD(C)	Planned Unit Development (Commercial)
*PUD(I)	Planned Unit Development (Industrial)	PUD(I)	Planned Unit Development (Industrial)

*Planned Unit Development (PUD) designations are special overlay map designations intended to promote voluntary public/private partnerships for managing and coordinating objectives which promote innovative development concepts, design amenities, and measures for protecting natural features of the land.

(Ord. No. 94-4, § 1, 4-3-95; Ord. No. 2021-09, § 1, 8-16-21)

- Accommodate only office buildings and institutional land uses and shall expressly exclude residential uses (except those Community Facilities defined as Nursing Homes and Related Health Care Facilities in 1-2.6.B.10(B)), general retail sales and services, warehousing, and outside storage; and
 - Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.
 - A Malabar Vernacular Style is required for all development along arterial roadways.
- J. *INS "Institutional Services."* The INS district is established to implement comprehensive plan policies for managing institutional development. The district is intended to accommodate public and semi-public facilities such as government administration buildings; fire, police, and rescue services; health care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this district.
- K. *CL "Commercial Limited."* The CL district is established to implement comprehensive plan policies for managing limited commercial development accessible to major thoroughfares near residential neighborhoods. Such development is intended to provide essential household services in locations highly accessible to residential areas. For instance, sites within this district are intended to accommodate neighborhood shops with limited inventory or goods. Such shops generally cater to the following markets:
- Neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional market; or
 - A specialized market with customized market demands.
 - A Malabar Vernacular Style is required for all development along arterial roadways.
- Areas designated for limited commercial development are not intended to accommodate large-scale retail sales, services, and trade activities, generally serving a city-wide or regional market. Such stores would usually differ from limited commercial shops since the former would usually require a larger floor area, carry a relatively larger inventory and require substantially greater parking area. Uses, which are not intended to be accommodated within the limited commercial area, include the following: large scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposable containers and/or providing drive-in facilities. No residential uses shall be located in the limited commercial district.
- L. *CG "Commercial General."* The CG district is established to implement comprehensive plan policies for managing general commercial development. The general commercial

district is designed to accommodate general retail sales and services. Sites designated for CG zoning shall be located in highly accessible areas adjacent to major thoroughfares which possess necessary location, site, and market requirements required by general commercial land use activities.

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

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

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

- Trip generation characteristics, impact on existing and plan transportation facilities and ability to achieve a functional internal circulation and landscaped off-street parking system;
- Location and site requirements based on specific needs of respective commercial activities, their market area, anticipated employment generation, and floor area requirements;
- Compatibility with and impact on other surrounding commercial activities;
- Relationship to surrounding land uses and natural systems; and
- Impact on existing and planned community services and utilities.
- A Malabar Vernacular Style is required for all development along arterial roadways.

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

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

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Zoning District	Minimum Lot (1)		Depth (ft.)	Maximum Elevation (ft. above street)	Minimum Elevation Above Water (ft.)	Setback (ft.)			Minimum Impermeable Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)				Front	Rear	Side (ft.)				
Rural Residential Development												
RR-65	65,540	150	250	35/3	1,500	40	30	30	30	N/A	30	0.65
Traditional Single Family Residential Development												
RS-01	21,780	120	150	25/3	1,500	35	20	15	15	N/A	35	2.00
RS-15	15,000	100	150	25/3	1,500	30	20	15	15	N/A	35	2.00/4
RS-10	10,000	75	100	25/3	1,200	25	20	10	10	N/A	50	4.00
Multiple Family Residential Development												
RM-4	5 Acres Minimum Site	300	300	35/3		60	40	40	40	N/A	50	4.00
RM-5	5 acres Minimum Site	200	200	35/3		25	20	10	10	n/a	50	6
						60	40	40	40	n/a	50	6
Mixed Use Development												
M/U	20,000	100	150	35/3		25	20	10	10	n/a	50	4
						50	25	10 ⁴	20	n/a	35	6
										0.30		
Mobile Home Residential Development												
RMH	Site: 5 Acres Lot: 7000					10	5	5	10	N/A	50	6.00
Office Development												
OI	30,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	20	35	N/A
Commercial Development												

Supp. No. 23

123

Process All

Zoning District	Minimum Lot (L)		Depth (ft.)	Maximum Height (ft.) ¹ (stories)	Minimum Building Structure: ft. ²	Setback (ft.) ² (B)			Maximum Impervious Surface Ratio (%)	Maximum Density (units per acre) with Central Water and Wastewater	
	Size (sq. ft.)	Minimum Floor Area: 900				Front	Rear	Side (D)			Side (C)
CL	20,000	100	150	35/3	Minimum Floor Area: 900	50	25	10 ⁴	20	35	N/A
CG	20,000	100	150	35/3	Min. Area: 900 Max. Area: 4,000 Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 800 Each Unit	50	25	20 ⁴ 15 ⁴	30	35	N/A
Industrial Development											
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 ⁵	25 100 ⁵	20 100 ⁵	30 100 ⁵	30	N/A
Institutional Development											
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	30	40	N/A
Coastal Preservation											
CP	No Site or Dimension Standards Adopted										

¹Minimum size sites and lots include one-half of adjacent public right-of-way.

²Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.

³Setback where rear lot line abuts an alley.

⁴Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.

⁵Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.

⁶Recreation activities maximum FAR shall be .10.

⁷In RR-65 Zoning, side and rear setback may be reduced for accessory structures to equal the height of the accessory structure but under no condition be reduced to less than 15 feet. If the height of the accessory structure height is 20 feet, the side and rear setbacks for that building would be 20 feet.

REQUESTING
Supp. No. 23

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Noncommercial Agricultural Operations	P													
Wholesale Agricultural Activities	P													
Commercial Stables	C													
COMMERCIAL ACTIVITIES														
Adult Activities										C				
Bars and Lounges										C				
Bed and Breakfast											P ¹			
Business and Professional Offices							P		P	P	P	P	P	
Enclosed Commercial Amusement										P				
Arcade Amusement Center/ Electronic Gaming Establishment										C ²				
Funeral Homes									P	P	G			
General Retail Sales and Services										P				
Hotels and Motels										P				
Limited Commercial Activities									P	P	P			
Marine Commercial Activities										G*				
Medical Services							P		P	P	P			
Mini Warehouse/Storage									C	P	P	P		
Parking Lots and Facilities								P	P	P	P			P
Retail Plant Nurseries									P	P	P			
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)										P				
Service Station, Including Gasoline Sales														
Trades and Skilled Services										C*				C*
Veterinary Medical Services										P				P
Veterinary Medical Services							P		P	P	C			P
Vehicular Sales and Services										C*				P
Vehicular Services and Maintenance														
Wholesale Trades and Services										C*				P
										C*				P
INDUSTRIAL ACTIVITIES														
Kennels														C
Manufacturing Activities														P

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Manufacturing Services Establishments														
Vehicle and Other Mechanical Repair and Services												P		
Warehouse, Storage and Distribution Activities										G*		P		
WATER DEVELOPMENT														
NONCOMMERCIAL ACTIVITIES														
Noncommercial piers, boat slips, and docks														C

- C = Conditional Use
- P = Permitted Uses
- A = Accessory Use

* = These uses are permitted only on sites abutting Babcock Street, US 1, West Railroad Avenue, Garden Street and Pine Street.
 1 = Allowing up to 1,000 square feet of a church or educational institution for the housing of a caretaker or security guard serving the church or educational institution. No such use shall be allowed unless administrative approval is granted by the Town.

1 Any Bed and Breakfast which is proposed to have more than five (5) living quarters shall only be approved as a conditional use in accordance with Article VI of the Land Development Regulations.

2 Any Arcade Amusement Center and Electronic Gaming Establishment as defined herein shall only be approved as a conditional use in accordance with Article VI of the Malabar Land Development Code.

3 Allowed in RR-65, (1 to 2 residents/beds) as defined in FS Title XXX Chapters 419 & 429

4 ALF Factor of "3" (see section 1-2.6.B.13.B, Part I) only applies to RM-4 & RM-6 for ALF's (Ord. No. 94-4, § 3, 4-3-95; Ord. No. 97-3, § 2, 3-17-97; Ord. No. 06-01, § 1, 9-7-05; Ord. No. 06-19, § 1, 1-11-07; Ord. No. 12-48, § 2, 1-23-12; Ord. No. 14-01, § 3, 2-3-14; Ord. No. 2016-03, § 1, 2(Exh. A), 10-3-16; Ord. No. 20-02, §§ 1, 2, 8-2-20)

Section 1-3.3. Size and dimension criteria.

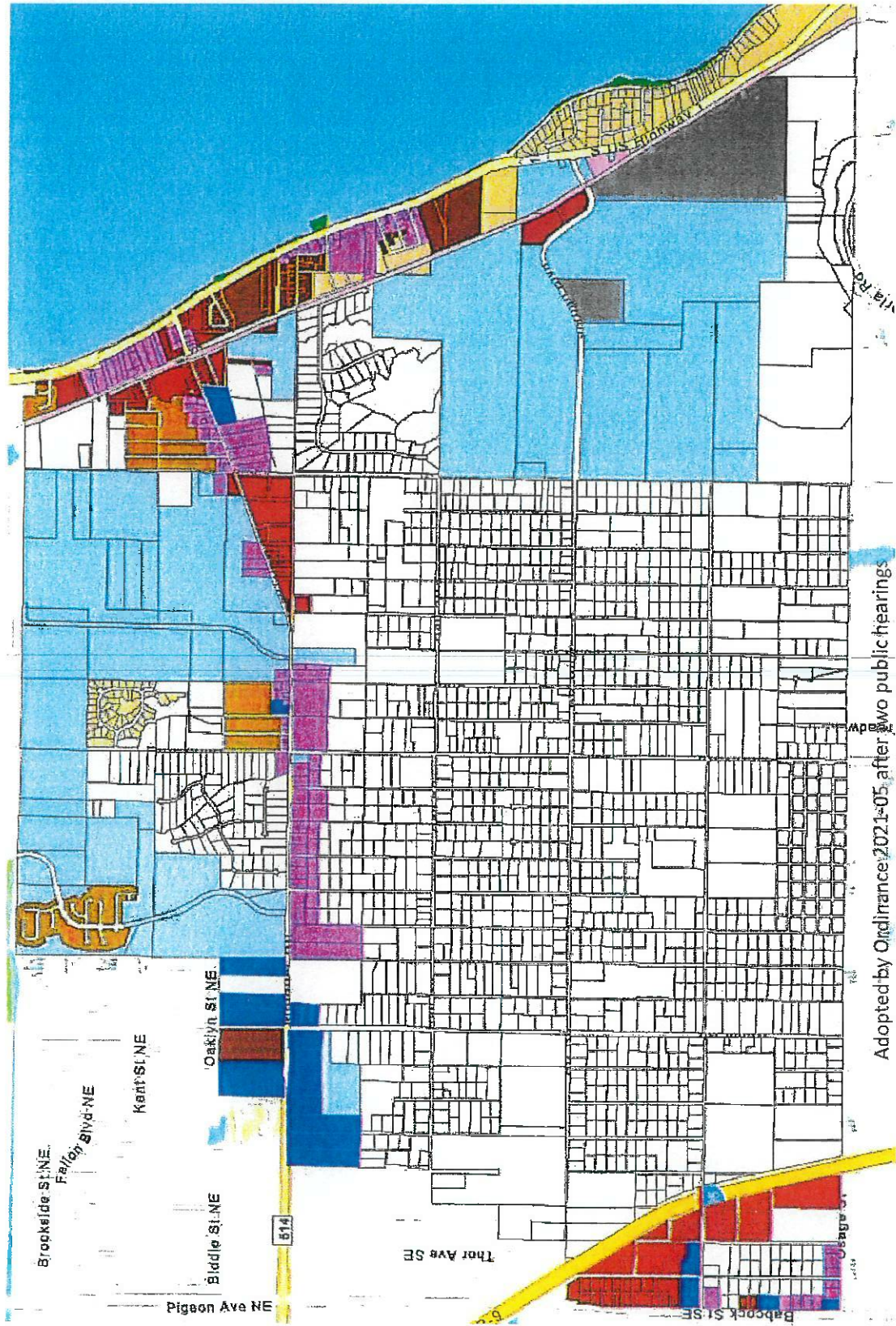
A. *Minimum Lot or Site Requirements for All Uses.* Table 1-3.3(A) incorporates required size and dimension regulations which shall be applicable within each respective zoning district. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:

- Setback requirements;
- Open space, buffers, and landscaping;
- Surface water management;
- Water and wastewater services;
- Access, internal circulation and off-street parking;
- Wetland protection; and
- Soil erosion and sedimentation control standards.

Conventional single family lots shall be required pursuant to square footage requirements stipulated in Table 1-3.3(A). Similarly, more intense development within multiple family residential districts and other specified nonresidential districts shall maintain sites having minimum acreage requirements stipulated in Table 1-3.3(A).

Future Zoning Map

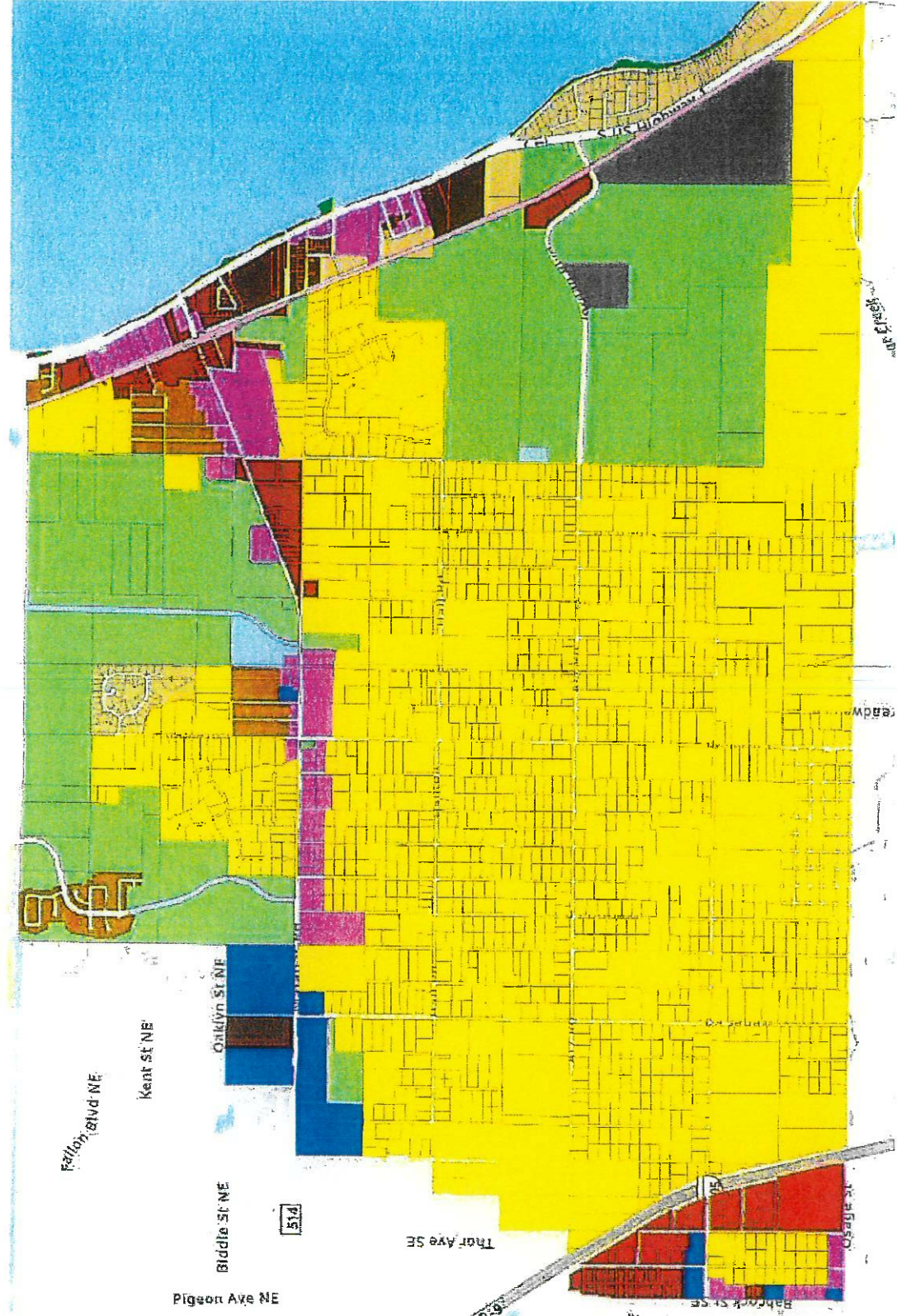
- Commercial General
- Commercial Limited
- Coastal Preservation
- Industrial
- Institutional
- Office-Institutional
- Residential Mobile Home
- Residential and Limited Commercial
- Multiple Family HDR
- Rural Residential
- Single Family MDR (RS-10)
- Single Family MDR (RS-15)
- Single Family LDR (RS-21)
- <all other values>



Adopted by Ordinance 2021-05 after two public hearings
5/17/2021 and 6/7/2021

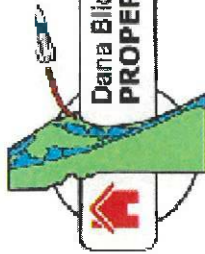
Future Land Use Map

-  Commercial General
-  Commercial Limited
-  Conservation
-  Coastal Preserve
-  High Density Residential
-  Open Space and Recreation
-  Industrial
-  Institutional
-  Low Density Residential
-  Medium Density Residential
-  Office-Institutional
-  Residential and Limited Commercial
-  Rural Residential
-  Other



**PUBLIC HEARING
6.d.**

**ADDITIONAL
INFORMATION**



Dana Bilickley, CFA
PROPERTY APPRAISER
Brevard County

1080 Highway 1

