



Planning and Zoning Board Meeting

Tuesday, November 17, 2020 at 7:00 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. NOMINATE CHAIR AND VICE-CHAIR
4. APPROVAL OF AGENDA
5. CONSENT AGENDA

APPROVAL OF MINUTES

a. Approval of Minutes of 10/14/2020

Exhibit: Agenda Report Number 5a

Attachments:

- Agenda Report Number 5a (Agenda_Report_Number_5a.pdf)

6. PUBLIC HEARINGS : 0
7. ACTION ITEMS : 0
8. DISCUSSION ITEMS : 2

a. Local Regulations for Mobile Food Vendors

Exhibit: Agenda Report Number 8a

Recommendation: Discussion & Action to Council

Attachments:

- Agenda Report Number 8a (Agenda_Report_Number_8a.pdf)

b. Recommendation to Council Table 1-3.3(A)

Exhibit: Agenda Report Number 8b

Recommendation: Discussion & Action to Council

Attachments:

- Agenda Report Number 8a (Agenda_Report_Number_8b.pdf)

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 - December 9th, 2020

12. ADJOURNMENT

Contact: Denine Sherear (dsherear@townofmalabar.org 1321727764) | Agenda published on
11/12/2020 at 4:52 PM

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 5.a
Meeting Date: November 17, 2020

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

SUBJECT: Approval of Minutes

BACKGROUND/HISTORY:

The minutes must reflect the actions taken by the Board:

- Who made the motion
- What is the motion
- Who seconded the motion
- What was the vote

Malabar has historically included discussion to provide the reader the understanding of how the Board came to their vote. It is not verbatim, and some editing is done to convey the thought. People do not speak the way they write.

ATTACHMENTS:

Draft minutes of P&Z Board Meeting of 10/14/2020 (Richard Kohler, Deputy Clerk/Treasurer)

ACTION OPTIONS:

Secretary requests approval of the minutes.

MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
October 14th, 2020 7:00 PM

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

1. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:00 P.M. Prayer and Pledge led by Vice-Chair Ritter.

2. ROLL CALL:

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	GEORGE FOSTER
	DOUG DIAL
	MARY HOFMEISTER
ALTERNATE:	SUSAN SHORTMAN
ALTERNATE:	JEFF RINEHART
ACTING BOARD SECRETARY:	RICHARD KOHLER
ALSO IN ATTENDANCE:	COUNCIL MEMBER SCARDINO
	TOWN MANAGER LISA MORRELL

3. ADDITIONS/DELETIONS/CHANGE: NONE

4. CONSENT AGENDA: 1

4.a. Approval of Minutes	a. Planning and Zoning Meeting – 09/23/2020
Exhibit:	Agenda Report No.4. a
Recommendation:	Request Approval

Motion: Vice-Chair Ritter/ Board Member Hofmeister move to approve as is.

Vote: all ayes.

5. PUBLIC HEARING: 0

6. ACTION: 0

7. DISCUSSION: 3

7.a. Malabar COVID-19 Policy	
Exhibit:	Agenda Report Number 7a

Chair begins by giving an overview of the last Council Meeting where himself and both alternate members were in attendance. He explained the ruling of the Town's COVID-19 policy. He then asked each member individually if they were comfortable with the Town's policy. Each member responded that they were comfortable with the current set up.

Town Manager Morrell gave a more detailed explanation of the CDC guidelines that the Town's policy is based on.

Board Member Dial asks how the recent spike in COVID cases has affected the Town?

Town Manager Morrell explained that all of Town Staff is all currently healthy and working. The local outbreak appears to be community spread.

7.b. Ordinance 2020-XX Table 1-3.3(A)

Exhibit:

Agenda Report No.7.b

Recommendation:

Discussion

Chair Abare gave a brief review of the past discussions on this subject.

Vice-Chair Ritter comments that she would rather see the 20% Maximum Building Coverage (MBC).

Chair Abare asks if anyone has an issue with the 1200 sq. ft minimum?

All Board Members agree the 1200 sq. ft is reasonable.

Chair Abare moves on to the Maximum. He suggests a table that gives a larger size depending on how many acres the lot has.

Board Member Foster does not like the idea of a growing table. He agrees a percentage base would be better. Every applicant will be on the same page.

Alternate Board Member Shortman agrees.

Alternate BM Reinhart agrees with 20%. A business owner needs stormwater, parking and other outdoors space, so 20% is a fair number.

Board Member Foster and Vice-Chair Ritter note the difference between CG and Ind in MBC.

Chair Abare asked Acting Board Secretary Kohler to speak.

Acting Board Secretary Kohler explained that the 4,000 sq. ft came from the written narrative of R/LC, and the 20% came from Table 1-3.3(A). The narrative of the definition trumps the table, and if you intend to change the narrative, it will require a large-scale amendment of the Comp Plan which can take months to complete and costs thousands of dollars.

Board Member Dial asks if there is a number for MBC we can use for all districts?

Vice-Chair Ritter states that one owner can build a huge building, with many businesses and residents included. This type of owners should not be regulated out of Malabar. The owners would have to be for localized businesses.

Board Member Dial uses an example of a vintage car owner who has a 30,000 sq. ft showcase, should they be allowed?

Alternate Board Member Reinhart reminds the board that the bigger building, the more land is needed for other things.

Town Manager Morrell explains in deeper detail the intent and coverage of Table 1-3.3(A). Big picture, the Attorney saw an issue in the table, and asked you to pick which option you prefer.

Vice-Chair Ritter and Board Member Hofmeister support the 20%.

The general consensus is to recommend Council remove the 4000 sq. ft and support the 20%.

Alternate Board Member Reinhart spoke at length about his vision for a developed Downtown area.

Vice-Chair Ritter would change the last line in the "Municode" page she handed out to reflect a grandfather clause for residential properties that are in commercial zoning.

Chair Abare asks Town Manager Morrell about an R/LC insurance issue that causes residents living in R/LC to be charged for commercially zoned property in the homeowners' insurance.

Town Manager Morrell explains that this would be considered mixed use, not residential or commercial. She would like to review cases and case law on this topic and come back with more information.

Vice-Chair Ritter expresses her belief that the minimum building coverage should be 1,200 sq. ft, not 900 sq. ft for mixed use.

Board Member Foster asks if that will negatively affect small businesses owners? An example of a small ice cream shop was used to show 900 sq. ft could be acceptable in this zoning.

Board agreed to keep the 900 sq. ft minimum building coverage.

Chair Abare asks the Board about the empty spaces in Table 1-3.3(A) for RM-4 and RM-6.

Vice-Chair Ritter suggests that the R/LC code should carry down to RM-4 and RM-6 where it is empty.

The general consensus of the Board is to recommend to Council that the lot size and dimension regulations for R/LC should be used to fill the blank spaces in RM-4 and RM-6.

7.c. Discuss Local Regulations for Mobile Food Vendors

Chair begins by giving a brief overview of the past few meetings. The consensus at the last meeting was that Mobile Food Vendors be allowed in OI, CL, CG, R/LC, INS, IDS or any commercial zone on improved property, with hours of Operation from sunrise to 8 pm.

Council Member Scardino speaks about lighting and road safety concerns brought up by these businesses.

Town Manager Morrell suggests that instead of using the term improved which has many interpretations, use the phrase property with a building already in place.

Board Member Foster asks Town Manager Morrell about how the Town should move the mobile food vendors.

Town Manager Morrell says we will not force them to move, but we will allow them to come to our property if/when they are removed from their current spot.

Alternate Board Member Reinhart speaks to the success the City of St. Cloud had in creating a Mobile Food Vendor Venue in their Town parks.

Alternate Board Member Shortman states that she passes the corner of US 1 and Malabar road early this morning, and the Mobile Food Vendor there was already busy, and was still busy upon her return from her trip.

Vice-Chair Ritter expressed concern that the vendors will not want to leave their high traffic location to be out of site from the road.

Board Member Dial suggests that the Town encourage these vendors when the park is busy, using soccer season as an example.

Town Manager Morrell asked Chair Abare if she and staff could draft a resolution on this issue for the Boards review at their next meeting.

Chair Abare agreed and thanks Town Manager Morrell for her time.

8. ADDITIONAL ITEMS FOR FUTURE MEETING:

9. PUBLIC: One Speaker Card

Shelly Khoon: is interested in 2405 Malabar Road. She has a few questions for this board. She owns ASAP Pest Solutions. Her fleet is 7 vehicles. Her partner does the fleet vehicle maintenance and wants to do high end car maintenance as well. She would like to split the lot and rezone the front half and put her home in the back half.

Chair Abare explained the difference of Land Use and Zoning.

Vice Chair Ritter asked about the environmental issues.

Shelly explained that the Department of Agriculture is very strict with how the chemicals are stored. She would love to expand into the Town of Malabar.

Alternate Board Member Reinhart explains that he does support the in-Town business owner model and thanked her for her time.

Alternate Board Member Shortman explains that there is no city water or sewer in the lot in question.

Alternate Board Member Reinhart asks if staff can help find a better site in Malabar for her?

Board Member Foster complimented staff and said to work with them.

10. OLD BUSINESS/NEW BUSINESS:

Old Business:

New Business:

- Next Regular Meeting- October 28, 2020

11. ADJOURN

There being no further business to discuss

MOTION Hofmeister/Dial . Vote: All Ayes. The meeting adjourned 8:43 PM.

BY:

Wayne Abare Chair

Richard W. Kohler, Acting Board Secretary
presented/corrected:

Date Approved: as

DRAFT

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: **8.a.**
Meeting Date: November 17, 2020

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

SUBJECT: Discuss local Regulations for Mobile Food Vendors

BACKGROUND/HISTORY:

The PZ Board discussed the regulations for Mobile Food Vendors in the past and it is before our PZ Board. The last discussion in September suggested that Mobile Food Vendors be allowed in commercial zoning on an improved property.

It is suggested that the term "improved" not be used because it has several interpretations it might be beneficial to use the phrase "property with a building in place" allowing zoning areas that Mobile Food Vendors can park.

The suggestion was to have a joint workshop with Town Council to discuss these regulations for the Town of Malabar.

The Town Manager Morrell discussed with PZ Chair Abare about a *Draft Ordinance* at this meeting for review and suggest changes to be made.

ATTACHMENTS:

- Draft Ordinance 2020-14 for Mobile Food Vendors

ACTION OPTIONS:

Discussion/Action to Council

ORDINANCE 2020-14

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; TO PROVIDE RULES AND REGULATIONS PERTAINING TO THE OPERATION OF MOBILE FOOD VENDORS WITHIN THE TOWN BY AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF MALABAR, FLORIDA, CHAPTER II, SECTION 1-2.6(C.14.a) TO PROVIDE DEFINITIONS FOR MOBILE FOOD VENDORS; PROVIDING FOR A NEW SUBSECTION 21; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mobile food vending is a growing industry in the United States and serves as a means for individuals to start businesses or to supplement existing businesses; and

WHEREAS, there is an increasing demand for a greater variety of food options than are present in the Town; and

WHEREAS, at present, there are no rules or regulations pertaining to mobile food vendors in the Town Code; and

WHEREAS, on November 17, 2020, and December 9, 2020, Planning and Zoning Board held publicly advertised meetings to discuss and recommend such amendments to the Town Code; and

WHEREAS, Town Council has determined that the proposed amendments serve the public health, safety and welfare of the citizens of the Town of Malabar, Florida.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Malabar, Brevard County, Florida:

SECTION 1. The above recitals are true and correct.

SECTION 2. Definitions to be added to CHAPTER II SECTION 1-2.6(C14.a) of the Town Code and to ARTICLE XX of the Land Development Code

...

“Mobile Food Vendor – The operator of a motorized vehicle or vehicle mounted trailer used for the operation of food service activities or for the operation of an ice cream truck.”

“Improved Property - property upon which a residential, commercial, or other building has been built”

...

AMEND ARTICLE II SECTION 14-40 OF THE TOWN CODE TO INCLUDE SUBSECTION (1):**“SECTION 14-40(1). Application Process for Mobile Food Vendors**

Application: A mobile food vendor must submit a complete application to obtain or renew a business tax receipt. The permit application must include all the following:

- a. The name, address, phone number and email address of the mobile food vendor;
- b. A list of descriptions of all food, beverages, and other items to be sold;
- c. Proof of a valid mobile food dispensing service license or hot dog cart license issued by the Florida Department of Business and Professional Regulation, a mobile food establishment permit issued by the Florida Department of Agriculture and Consumer Services, and a license or permit from any other state agency having jurisdiction over the mobile food vendor or the products sold therein as applicable to the mobile food vendor's intended operation;
- d. Confirmation from the Town of Malabar Fire Department indicating that the mobile food vendor has passed a fire and safety inspection based on the applicable Florida Fire Prevention Code; and
- e. Proof of any insurance required by this section if applicable

AMEND SECTION 1-2.6 OF THE LAND DEVELOPMENT CODE TO INCLUDE SUBSECTION (C-14.21)

SECTION 1-2.6 (C-14.21). Location. A mobile food vendor may operate a mobile food operation in the following locations:

1. Town-Owned Property
 - A. On the following Town-owned property, total operation must be contained within the area designated for their operation by the Town Manager or designee:
 1. Malabar Community Park
 2. Sandhill Trailhead Park
 3. Town Hall
 - B. No more than four (4) mobile food vendors may operate on any Town-owned property at the same time.

C. Conflict. A mobile food vendor may not operate on any location where the Town Manager or designee determines that a conflict exists between a mobile food vendor's operation and an existing license or franchise agreement, contractual obligation, or any other public health or safety concern, including but not limited to a special event or rental facility.

2. Improved Property

- A. A mobile food vendor may operate on improved private property located within the following zoning the districts, only with the written permission of the property owner(s). Evidence of a property owner's written permission must be available for inspection by the Town upon request while the mobile food vendor is operating.
1. Commercial General (CG)
 2. Industrial (IND)
 3. Residential/Limited Commercial (R/LC)
 4. Office Institutional (OI)
 5. Commercial Limited (CL)
 6. Institutional (INS)
- B. Set-back Requirement. When operating on private property, a mobile food vendor may operate only if set-back at least fifty feet (50') from any abutting residential district and at least one hundred and fifty feet (150') from any exclusively single family residential structure, unless the owner(s) of the residential structure provides the mobile food vendor with express written permission to operate. The one hundred and fifty-foot (150') set-back requirement is reduced to fifty feet (50') where an intervening non-residential building, such as a commercial building, screens the operation from the direct view of the single-family residential structure.
- C. Maximum number of mobile food vendors. No more than four (4) mobile food vendors shall operate on any private property at any one time, except as may be allowed by a Town issued special event permit or temporary use permit,

- D. Access. A mobile food vendor shall not operate or park in any location that impedes the ingress or egress of traffic, building entrances, emergency exits, or access to businesses.
3. Construction areas. A mobile food vendor may operate on private property that has an active building permit as part of a commercial or multi-family construction site. Such operation may also occur on a site undergoing master infrastructure construction within a single-family subdivision until the first certificate of occupancy is issued.
4. Principal structure requirement. A mobile food vendor may only operate on a lot that has a principal structure.
5. Stationary location requirement. A mobile food vendor must operate from a stationary location, but may operate from multiple locations throughout the day, except as otherwise permitted in this article.

AMEND ARTICLE II SECTION 14-40 OF THE TOWN CODE TO INCLUDE SUBSECTION (2):

“SECTION 14-40(2). Operational Procedures for Mobile Food Vendors

SECTION 1. Operations

1. Hours. A mobile food vendor may only operate during the posted operating/business hours of the park or on-site office, business, or construction, or between the hours of six (6) AM (or sunrise) and nine (9) PM if no such activity is on-site. Operating hours include time required for setup and breakdown of the mobile food vending operation.
2. Items authorized for sale. A mobile food vendor is only allowed to sell food and beverages as described in their application.
3. Noise requirements. Mobile Food Vendors shall comply with Article X of this Land Development Code.
4. Placement of items. Except as provided herein, the placement or storage of any item related to a mobile food vendor's business is prohibited from being on the street, sidewalk, or ground immediately surrounding an operating mobile food vendor. The following items may be placed in the immediate area of operation as long as they do not impede, endanger, or interfere with pedestrian or vehicular traffic:
 - a. Two (2) trash receptacles;
 - b. One (1) recycling receptacle; and
 - c. One (1) menu board no larger than thirty inches by fifty inches (30" x 50") in height.

5. Waste collection. A mobile food vendor must provide receptacles for trash and recycling. The area immediately surrounding an operating mobile food vendor shall always be kept neat and orderly and garbage or trash shall be removed prior to departure of the mobile food vendor.
 - a. Mobile food vendors are responsible for the proper disposal of all waste generated on-site. No grease, waste, trash, or other by-product from a mobile food vendor's business may be deposited or released onto Town-owner property, included but not limited to the streets, sidewalks, into the gutter or storm drainage system, or other public place.

SECTION 2. Limitation on sales.

1. The sale of alcoholic beverages is prohibited unless authorized by a special event permit.
2. The sale or display of items that are obscene, offensive, or are otherwise deemed inappropriate by the Town Manager or designee is prohibited.

SECTION 3. Insurance

1. When operating on Town-owned property, a mobile food vendor must maintain insurance and coverage in occurrence form, as required by this section. The mobile food vendor must also have a current certificate of insurance of file with the Town, naming the Town of Malabar, Florida as an additional insured.
 - a. Commercial General Liability Insurance. The policy must include a minimum limit of \$300,000 for each accident, \$600,000 for general aggregate, \$600,000 for products and completed ops, and \$100,000 damage to rented premises.
 - b. Commercial Auto Liability Insurance. The policy must include a minimum limit of \$1,000,000 for each accident for property damage and bodily injury with contractual liability coverage.
 - c. Workers' Compensation Insurance. The policy must include a minimum limit of \$100,000 for each accident, \$100,000 for each employee, a \$500,000 policy limit for diseases; coverage must apply for all employees at the statutory limits provided by state and federal laws, Including proof of current Workers' Compensation Coverage or Workers' Compensation Exemption (notarized affidavit).

2. Upon the cancellation or lapse of any policy of insurance required by this section a mobile food vendor is prohibited from operating on Town-owned property. A mobile food vendor must notify the Town within three (3) business days of any changes in the insurance coverage required by this section.
3. At all times, a mobile food vendor must maintain all insurance policies required by local, state, and federal law and regulation.

SECTION 4. Enforcement

1. Any code enforcement officer or sworn law enforcement officer may initiate enforcement proceedings for a violation of this section. This section shall be enforced by the Town's hearing officer pursuant to chapter 6 section 5 of this code.
2. The Town Manager or designee may immediately revoke a mobile food vendors business tax receipt by providing written notice to the mobile food vendor upon the occurrence of any of the following:
 - a. The state agency having jurisdiction over the mobile food vendor or the products sold therein revokes or terminates the license or permit allowing for the mobile food vendor's continued operation; or
 - b. Pursuant to the Town's code enforcement officer.
3. The Town's code enforcement officer may order any penalty authorized under chapter 11 of this code if the code enforcement officer determines that a mobile food vendor has failed to abide by the regulations set forth herein and may also order the revocation of a mobile food vendors business tax receipt upon finding of any of the following.
 - a. A repeat violation of this code within the preceding twelve (12) MONTHS;
 - b. The mobile food vendor no longer qualifies for the issuance of a new business tax receipt;
 - c. The state agency having jurisdiction over the mobile food vendor or the products sold therein revokes or terminates the license or permit allowing for the mobile food vendor's continued operation; or
 - d. The Town issued the business tax receipt based upon the mobile food vendor providing false information, a misrepresentation of material fact, or a mistake of fact or law.

- 4. Upon the effective date of revocation of a mobile food vendor's business tax receipt, a mobile food vendor shall not qualify for a new mobile food vendor business tax receipt for a period of twenty-four (24) months.

SECTION 5. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

SECTION 6. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or town law, rule, code or regulations, the more restrictive shall apply.

SECTION 7. Inclusion in Code. It is intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

SECTION 8. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or town law, rule, code or regulations, the more restrictive shall apply.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

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

Council Member Marisa Acquaviva _____
 Council Member Brian Vail _____
 Council Member Steve Rivet _____
 Council Member David Scardino _____
 Council Member Danny White _____

This ordinance was then declared duly passed and adopted this ____ day of _____ 2020.

TOWN OF MALABAR

 Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

(seal)

Approved for Legal Sufficiency:

Karl Bohne, Jr, Town Attorney

First Reading: Vote to
Second Reading:

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 8.b.
Meeting Date: November 17, 2020

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

SUBJECT: Ordinance 2020-12 Amending District Provisions Table 1-3-3.3(A)

BACKGROUND/HISTORY:

This Item has been on the last several PZ Agendas the Board Members agree on the following:

- 1200 sq. feet minimum living area.
- The maximum area would be a table that gives larger size depending how many acres the lot has
- A business owner needs stormwater, parking, & outdoor space so 20% coverage is a fair number
- Consensus is to remove the 4,000 sq. ft. and support 20% maximum coverage
- The Board agrees to keep 900 sq. ft as minimum building coverage
- It was agreed to keep RM-4 and RM-6

ATTACHMENTS:

Draft Table 1-3.3(A) for Adoption by Ordinance

ACTION OPTIONS:

Discussion/ Action to Council

Article III

DISTRICT PROVISIONS

This article describes the purposes and intent of each zoning district, identifies permitted and conditional uses by zoning district, and provides size and dimensional regulations for respective zoning districts.

Section 1-3.1. Purpose and intent of districts.

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

- A. *CP "Coastal Preserve."* The CP district was originally established by the Town Council through Ordinance Number 7-1-76, § 5.12 and Ordinance Number 7-12-79 § 1. This district is intended to preserve a narrow strip of land east of highway US 1 directly abutting the Indian River Lagoon, a State designated Aquatic Preserve. The district provisions are intended to assist in implementing land use, coastal management, and conservation goals, objectives, and policies within the comprehensive plan. For instance, the district provisions reduce exposure to natural hazards to persons or property as a result of windstorms and high tides; preserve the marine resources of the Aquatic Preserve; and restrict usage to noncommercial piers, boat slips, and docks.
- B. *RR-65 "Rural Residential."* The rural residential district is established to implement comprehensive plan policies for managing rural residential development at a density not to exceed one and one-half (1.5) acres per dwelling unit. The district is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lot rural residential home sites. The areas designated for rural residential development generally contain few urban services and the street system is generally incapable of carrying traffic generated by more intense urban development. The district is intended to accommodate and preserve a unique lifestyle which cannot be accommodated in more dense residential areas.
- C. *RS-21 "Single-Family Low-Density Residential."* This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The RS-21 district is established in order to protect the quality and character of existing and future conventional single-family low-density neighborhoods, preserve open space, and manage future densities in order to assure compatibility with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- D. *RS-15 "Single-Family Medium-Density Residential."* The RS-15 district is designed to accommodate traditional single-family development on lots not less than 15,000 square feet. The district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and man-

age future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

- E. *RS-10 "Single-Family Medium-Density Residential."* The RS-10 district is established to implement comprehensive plan policies for managing traditional single-family residential development on lots not less than 10,000 square feet. This district is established to preserve the stability of existing and future single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that they are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- F. *R-MH "Residential Mobile Homes."* The R-MH district is established to implement comprehensive plan policies for managing high density mobile home residential development. The district is designed for managing mobile home development at a density not to exceed six units per acre. The district is intended to provide sites for mobile home development within existing established mobile home parks.
- G. *RM-4 "Multiple-Family Medium-Density Residential."* The RM-4 district is established to implement comprehensive plan policies for managing medium-density residential development not to exceed four units per acre. The district is established to ensure sufficient land area for development of medium-density multiple-family residential developments which are fully serviced by adequate public facilities. Sites for medium-density multiple-family residential development shall be located so that they provide a smooth transition between low density residential development and areas developed and/or designated for more intense uses.
- H. *RM-6 "Multiple-Family High-Density Residential Development."* The RM-6 district is established to implement comprehensive plan policies for managing high-density residential development at a density not to exceed six units per acre. The district is established to ensure that sufficient land is available for developments of high-density residential development and is intended to ensure availability of adequate public facilities.
- I. *OI "Office-Institutional."* The OI district is established to implement comprehensive plan policies for managing office-institutional development. This district is designed to accommodate businesses and professional offices together with institutional land uses on sites which:
- Have accessibility to major thoroughfares;
 - Have potential to be served by a full complement of urban services;
 - Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential adjacent land uses of differing intensities;

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

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

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

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

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

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

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

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

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

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

- N. *PUD "Planned Unit Development."* The PUD district is established to implement comprehensive plan policies for managing planned unit development. The comprehensive plan incorporates policies encouraging innovative development concepts, including mixed use development. The planned unit development is intended to provide a voluntary framework for coordinating objectives of developers which may require departures from established public policy. The planned unit development district provides a management strategy for negotiating innovative development concepts, design amenities, and measures for protecting natural features of the land. The management process shall promote public and private coordination and cooperation. The land development code incorporates detailed regulations, standards, and procedures for implementing the planned unit development concept.

The planned unit development district shall be available as a voluntary approach for managing specific development characteristics and project amenities to be incorporated in residential, commercial, industrial or mixed use development. Developers who voluntarily participate in the process shall bind themselves as well as their successors in title to the stipulations within the development order approving the planned unit development district.

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

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

Areas designated for mixed use Residential and Limited Commercial development are not intended to accommodate commercial activities with a floor area in excess of four thousand (4,000) square feet, such as large-scale retail sales and/or service facilities or trade activities. These types of commercial activities generally serve regional markets and the intensity of such commercial activities is not generally compatible with residential activities located within the same structure or located at an adjacent or nearby site. Such stores would usually differ from limited commercial shops since the former would usually require a floor area larger than four thousand (4,000) square feet; would generally carry a relatively larger inventory; and require substantially greater parking area. Uses, which are not intended to be accommodated within the

limited commercial area, include the following: large-scale discount stores; health spas; supermarket; department stores; large scale wholesaling and warehousing activities; general sales, services or repair of motor vehicles, heavy equipment, machinery or accessory parts, including tire and battery shops and automotive service centers; commercial amusements; and fast food establishments primarily serving in disposal containers and/or providing drive-in facilities.

Single family or multiple family residential uses with a density no greater than six (6) units per acre may also be located in the R/LC district. Such residential uses may be located either within a freestanding structure or within a structure housing both Residential and Limited Commercial activities. The R/LC district is intended and shall be interpreted to be a "commercial" district with respect to required setbacks and other size and dimension provisions referenced by zoning district in this Code.

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

Section 1-3.2. Land use by districts.

Table 1-3.2 "Land Use by Districts" stipulates the permitted and conditional uses by district.

Permitted uses are uses allowed by right provided all applicable regulations within the land development code are satisfied as well as other applicable laws and administration regulations. Conditional uses are allowable only if approved by the Town pursuant to administrative procedures found in Article VI. The applicant requesting a conditional use must demonstrate compliance with conditional use criteria set forth in Article VI.

No permitted use or conditional use shall be approved unless a site plan for such use is first submitted by the applicant. The applicant shall bear the burden of proof in demonstrating compliance with all applicable laws and ordinances during the site plan review process. Site plan review process is set forth in Article X.

Cross reference—Alcoholic beverages, ch. 4.

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
RESIDENTIAL USES														
Duplex					P	P					P			
Mobile Homes							P							
Multiple Family Dwellings					P	P					P			
Single Family Dwellings	P	P	F	P	P	P					P			
COMMUNITY FACILITIES														
Administrative Services (Public and Not-for-Profit)								P	P	P	P		P	
Child Care Facilities								C			C		C	
Churches, Synagogues and Other Places of Worship								P, A ¹	P	C	C		P	
Clubs and Lodges (Not-for-Profit)									P	P				
Cultural or Civic Activities								P	P	P	P		P	
Educational Institutions								C, A ¹					C	
Golf Course Facilities	C													
Hospital and other Licensed Facilities								C					C	
Nursing Homes and Related Health Care Facilities								C					C	
Protective Services						C	C	C	C	C	C	C	C	C
Public Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public and Private Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C
COMMUNITY RESIDENTIAL HOME														
Level 1 (1 to 6 residents/beds)														
Level 2 (7 to 14 residents/beds)	C ³				C	C								C
ASSISTED CARE COMMUNITIES														
I Assisted Living Facility														
Level 1 (1 to 5 residents/beds)		C	C	C	C ⁴	C ⁴							C	
Level 2 (6 to 15 residents/ beds)					C ⁴	C ⁴								
Level 3 (16 or more residents/ beds)					C ⁴	C ⁴								
II Adult Family-Care Homes (1 to 5 residents/beds)														
III Adult Day Care Centers	C ³	C	C	C	C	C		C					C	C
AGRICULTURAL ACTIVITIES														

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	P	
Enclosed Commercial Amusement										P				
Arcade Amusement Center/ Electronic Gaming Establishment										C ²				
Funeral Homes								P	P	P	C			
General Retail Sales and Services										P				
Hotels and Motels								P	P	P	P			
Limited Commercial Activities										C*				
Marine Commercial Activities								P	P	P	P			
Medical Services									C	P	P	P		
Mini Warehouse/Storage								P	P	P	P	P		
Parking Lots and Facilities									P	P	P	P		
Retail Plant Nurseries									P	P	P	P		
Restaurants (Except Drive-Ins and fast food service)									P	P	P	P		
Restaurants (Drive-ins)										P				
Service Station, Including Gasoline Sales										C*		C*		
Trades and Skilled Services										P		P		
Veterinary Medical Services								P	P	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 "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. 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 See numbered Notes below

Zoning District	Minimum Lot (1)		Depth (ft.)	Maximum Height (ft./stories)	Min Sq Ft Living Area Commercial Area	Setback (ft.) from property line or centerline(2)			MISR (%)	MBC	MOS	Maximum Density (units per acre)
	Size (sq. ft.)	Width (ft.)				Front	Rear	Side interior				
Rural Residential Development												
RR-65	65,340	150	250	35/3	Single Family: 1500	40	30 (7)	30	20	N/A	80	1
Traditional Single-Family Residential Development												
RS-21	21,780	120	150	35/3	1,800	35	15	15	35	N/A	65	2
RS-15	15,000	100	120	35/3	1,500	30	15	15	45	N/A	55	3
RS-10	10,000	75	100	35/3	1,200	25	10	10	50	N/A	50	4
R/LC	20,000	100	150	35/3	1,200	25	10	10	50	N/A	50	2
RM-4	20,000	100	150	35/3	1,200	25	10	10	50	N/A	50	2
RM-6	20,000	100	150	35/3	1,200	25	10	10	50	N/A	50	2
Multiple Family Residential Development and Mixed-Use Development												
RM-4	5-acre min Site	200	200	35/3	Multi Family 1-bedrm 900 2-bedrm 1100 3-bedrm 1300 Ea additional bedrm 120	60	40	40	50	N/A	50	4
RM-6	5-acre min Site	200	200	35/3	Multi Family 1-bedrm 500 2-bedrm 700 3-bedrm 900 Ea additional bedrm 120	60	40	40	50	N/A	50	6
R/LC Residential	20,000	100	150	35/3	Multi Family 1-bedrm 500 2-bedrm 700 3-bedrm 900 Ea additional bedrm 120	50	10 (4)	20	65	N/A	35	6
R/LC Mixed Use	20,000	100	150	35/3	Commercial Min 900 sf Max 4,000sf	50	10 (4)	20	65	20	35	6

TABLE 1-3.3 (A) SIZE AND DIMENSION REGULATIONS See numbered Notes below

Zoning	Minimum Lot (1)		Depth	Max Height	Floor Area	Setback (ft.) from property line or centerline (2) See also Note 5					MBC %	MOS %	Maximum Residential Units per acre
	Lot Size	Width				Front (2)	Rear (5)	Side interior (C)	Side MISR %	Max Bldg Coverage %			
Mobile Home Residential Development													
R-MH	Size: 5 acres Lot: 7000sf	N/A	N/A	N/A	N/A	10	8	8	10	50	N/A	50	6
Office Institutional Development													
OI	20,000	100	150	35/3	Minimum floor Area: 1,000sf	35/60 (2)	25	20	25	65	20	35	N/A
INS	20,000	100	150	35/3	Minimum floor Area: 1,200sf	50	25	20	30	60	20 (6)	40	N/A
Commercial Development													
CL	20,000	100	150	35/3	Minimum floor Area: 900sf Max: 4,000sf	50	25	10(4) 15(3)	20	65	20	35	N/A
CG	20,000	100	150	35/3	Minimum floor Area: 1,200sf Min hotel/motel 300sf ea unit	50	25	20(4) 15(3)	30	65	20	35	N/A
IND	20,000	100	150	35/3	Min 1,200sf	50 (5)	25 (5)	20(5)	30(5)	70	42	30	N/A
CP	No size or Dimension Standards Adopted												

Note 1: Minimum lot size include plus one-half of adjacent public right-of-way.

Note 2: Setbacks determined pursuant to Table 1-3.3(A) or (E) whichever is most restrictive.

Note 3: Setbacks where rear lot line abuts an alley.

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

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

Note 6: Recreation activities Maximum Building coverage shall be 20%.

Note 7: Sides and rear may be reduced to 15' for accessory structures only and will increase in proportion with the maximum height of the accessory structure, ie. if the height of the accessory structure is 20 feet, this will equal a 20-foot setback.

B. *Area requirements for uses not served by central water and wastewater services.* All proposed development within areas not served by central water and wastewater services shall comply with the septic permitting requirements of Brevard County.

C. *Impervious Surface Requirements (ISR) for All Uses.* The term "impervious surface" is defined as that portion of the land which is covered by buildings, pavement, or other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.

1. *Calculation of ISR.* The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area. Water bodies are impervious but shall not be included as such in the ISR calculation.

Cluster development or other site design alternatives may result in individual lots exceeding the ISR, while other lots may be devoted entirely to open space. The Town may require, as a condition of approval, deed restrictions or covenants which guarantee the maintenance of such open space in perpetuity. The ISR requirement shall not be bypassed or reduced. However, the intent is to allow maximum flexibility through calculating ISR on the gross site, and not on a lot-by-lot basis.

2. *Use of Porous Material.* Porous concrete, asphalt, porous turf block, or similar materials may be used subject to approval of the Town Engineer.
3. *Compliance with ISR Stipulated in Table 1-3.3(A).* All proposed development shall comply with the standards given in the table of impervious surface ratios in Table 1-3.3(A).

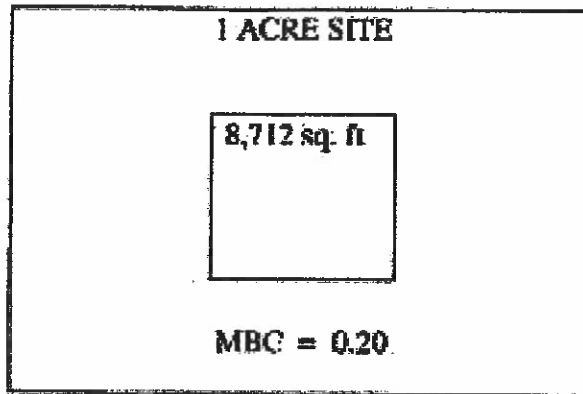
Where a proposed development is donating or dedicating land based on a plan approved by the Town, the gross site before dedication or donation shall be used to calculate ISR. This does not relieve the applicant from providing all required on-site buffers, landscaping, stormwater management areas, setbacks, and other required project amenities.

D. *Maximum Building Coverage.* The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.

1. *Calculation of MBC.* The MBC is the relationship between the total building coverage on a site and the gross site area. The MBC is calculated by adding together the total building coverage of a site and dividing this total by the gross site area. See figure 1-3.3(D) for a graphic illustration of this concept.

All proposed nonresidential development shall comply with the MBC requirements stipulated in Table 1-3.3(A) for the zoning district in which the development is located.

FIGURE 1-3.3(D). MAXIMUM BUILDING COVERAGE ILLUSTRATION



Maximum building coverage for a MBC of 0.20 = 8,712 sq. ft.

$$\text{MBC} = \frac{\text{Total Building Coverage}}{\text{Total Lot Area}}$$

E. *Principal Structure Setbacks.* Table 1-3.3(A) provides building setbacks for all zoning districts. In addition to these setbacks the required minimum setback shall be measured from the centerline of the right-of-way as in Table 1-3.3(E).

TABLE 1-3.3(E). PRINCIPAL STRUCTURE SETBACKS FROM CENTERLINE OF THOROUGHFARES

<i>Transportation Facility</i>	<i>Building Setback (feet)</i>
Arterial Roadways (150 feet R/W)	100
US 1 Highway	
Malabar Road (SR 514)	
Babcock Street (SR 507)	
Major Collector Streets (100 feet R/W)	85
Corey Road	
Weber Road	
Marie Street	
Jordan Blvd.	
Local Streets (50—60 feet R/W)	65
Minor Collector Streets (70 feet R/W)	75
Atz Blvd.	
Hall Road	
Old Mission Road	
Benjamin (Reese) Road	

F. *Minimum Distance Between Principal Buildings.* The minimum distance between principal buildings shall be twenty (20) feet. The distance shall be measured at the narrowest space between buildings and shall not include roof overhang.

(Ord. No. 92-8, § 1(B), (D), (J), 8-18-92; Ord. No. 94-4, § 4, 4-3-95; Ord. No. 96-1, § 1, 3-4-96; Ord. No. 97-5, § 1, 3-17-97; Ord. No. 02-03, § 1, 8-5-02; Ord. No. 03-02, § 1, 2-24-03; Ord. No. 04-08, §§ 1, 2, 7-12-04; Ord. No. 06-05, § 1, 2-6-06; Ord. No. 06-16, §§ 1, 2, 10-2-06; Ord. No. 19-02, § 2, 3-4-19; Ord. No. 19-03, § 2, 3-4-19)