



Planning and Zoning Board Meeting

Wednesday, March 10, 2021 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 of 01/13/2021 (Not Ready)**

Exhibit: Agenda Report Number 4a

- b. **Approval of Minutes of 02/24/2021**

Exhibit: Agenda Report Number 4b

Attachments:

- **Agenda Report 4a&b** (Agenda_Report_Number_4a_b.pdf)

5. PUBLIC HEARINGS : 0

6. ACTION ITEMS: 0

7. DISCUSSION/POSSIBLE ACTION ITEMS

- a. **Amending Land Developing Codes: Separate Zoning Designation for RV Parks (RVP)**

Exhibit: Agenda Report Number 7a

Recommendation: Discussion

Attachments:

- **Agenda Report Number 7a** (Agenda_Report_7a.pdf)

8. ADDITIONAL ITEMS FOR FUTURE MEETING

9. PUBLIC COMMENTS

10. OLD BUSINESS/NEW BUSINESS

- a. **Old Business**

- b. **New Business**

Board Member Comments

Next regular Meeting - March 24th, 2021

11. ADJOURNMENT

TOWN OF MALABAR
PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 4.a & 4.b.

Meeting Date: February 24, 2021

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 1/13/2021 ← NOT READY YET
Draft minutes of P&Z Board Meeting of 2/24/2021

ACTION OPTIONS:

Secretary requests approval of the minutes.

"The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board."

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
FEBRUARY 24, 2021 6:00 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 6:00 P.M. Prayer and Pledge led Chair Wayne Abare.

2. ROLL CALL:

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	MARY HOFMEISTER DOUG DIAL GEORGE FOSTER, LATE SUSAN SHORTMAN
ALTERNATE:	JEFF RINEHART, ABSENT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

TOWN ATTORNEY:	KARL BOHNE, ABSENT
TOWN MANAGER:	LISA MORRELL
TOWN PLANNER:	TOD MOWERY, ABSENT
TOWN ENGINEER:	MORRIS SMITH
TOWN FIRE MARSHALL COUNCIL MEMBER	CARL WEAVER, ABSENT

3.ADDITIONS/DELETIONS/CHANGE:

Alternate PZ Board Member Susan Shortman will be voting in place of PZ Board Member George Foster.

4. CONSENT AGENDA:1

4.a. Approval of Minutes Planning and Zoning Meeting – 1/13/2021 (not ready)

Exhibit: Agenda Report No. 4.a
Recommendation: Request Approval

5. PUBLIC HEARING:1

5.a. Final Plat Approval of Twin Lakes Subdivision (16 lots) MVB Engineering Mr. Brian Daigle, Project Manager Representing Property Owner Mr. Malcom Kirschenbaum.

Exhibit: Agenda Report No. 6.a.
Recommendation: Action to Council

Chair Abare explained the process of Public Hearing procedures to all in attendance.

The Applicant MVB Engineering, Brian Daigle, Project Manager represented owner Malcom Kirschenbaum explained the Final Plat process & procedures entailed in the package before you and believe all steps have been meet. and asked if there were any questions he could answer from the Board.

Mr. Malcomb Kirschenbaum, owner of Subdivision said the Malabar Staff is excellent to work with and looks forward to moving forward with Maranda Homes to purchase lots and build homes. Mr. Kirschenbaum Thanked all involved.

Chair Abare opens Public Hearing to the Public and closes Public Hearing bring questions back to the Board.

Ritter asked if there was any right-of-way to the south where Duncil Lane is, and town Engineer responds that where Duncil Lane is there is designated wetlands.

Foster (late) has arrived 6:05PM he will now be the voting Board Member.

Abare had some general comments concerning Subdivision:

- City of Palm Bay provided water
- Road is Private
- Maintenance bond is 2 years covering infrastructure owned by HOA/Covenants
- Certificate of Compliance should be through, environment signage and final inspections

Morrell explained that this final plat step allows lots to be plotted on a large parcel & owners to pull permits to build & proceed with Landscaping to finish out the process of final Subdivision. Morrell TA explained to the PZ Board that Covenants are checked, and roads are private to be maintained by Subdivision.

Dial asked Morrell TA about update on Malabar Road expansion project, to give update. Morrell said it is still in the Planning and Engineering stages the round abouts are still being looked at. The state has requirements about looking at all the designs in the design criteria, and then things would move forward to get state funding. The good planning is to move right-of-way (ROW) back far enough so they will not have to be moved when road expands.

Abare said that Round-abouts take make more space to develop, Morrell, TA explained if electric went out this would still have the mobility of traffic vs a light.

Ritter asked about wastewater facility. Abare said that there will be all separate septic facilities per lot and MVB concurred with this.

Abare asked about the fire trucks access, Morrell explained that Life & safety of property there will be a path made to access any area.

Foster said he supports what he sees as a Subdivision.

Dial said he is glad to see development in Malabar.

Hofmeister said it is good for Malabar.

Abare said that he is happy.

Motion: Ritter / Hofmeister Recommend to Council the Approval of Final Plat for Twin Lakes Subdivision consisting of 16 homesites in Rural Residential (RR-65) located on the south side of Malabar Road, east of Weber Road. Applicant: Malcom Kirschenbaum, Weber Woods LLC represented by Mr. Brian Daigle Service Manager of MVB Engineering , Inc

Roll Call: Foster; Aye, Abare; Aye, Dial; Aye, Ritter; Aye, Hofmeister; Aye

Motion Approved 5 to 0.**6. ACTION 0****7. DISCUSSION:0****7.a. *Left Intentionally Blank*****Exhibit:****Recommendation:**

Agenda Report No. 7.a.

Discussion & Action to Council

7.b. *Left Intentionally Blank***Exhibit:****Recommendation:**

Agenda Report No.7.b

Discussion & Action to Council

8. *Left intentionally Blank***9. ADDITIONAL ITEMS FOR FUTURE MEETING****10. PUBLIC****11. OLD BUSINESS/NEW BUSINESS:****Old Business:**

Abare asked about update on Breezy Palms RV Park in Palm Bay, who purchased a lot in Malabar approx. 3 acres to join to existing property in Palm Bay, we need to look at density situation moving forward. The Board discussed this with Ms. Lisa Morrell, ITM about lots in Palm Bay and Malabar lots being single family. It was discussed about a service inter-local agreement with County vs City could be an option.

Abare stated that Breezy Palms could come to our Town to discuss options and we can look at it at this time. Ritter said the property in Malabar is single family for maybe three houses.

Abare suggested that the Town can look at the property & it can be converted to RV use so the Town could receive taxes. It was suggested to look at the use of the land and bring back to Council for all input.

Ritter said that there is a page that references "No more trailer parks shall be dedicated" March 21, 1974 Geographic Zoning of Malabar.

Morrell ITM said there will be Code amendments coming before this Board as discussed with Morris, Town Engineer.

Abare asked about the status of food trucks in Malabar March 1, 2021 for compliance. Ms. Morrell ITM said the Food Trucks where offered parks and different areas. The FDOT has also cut of access to areas on the corner of Malabar Road and US HWY 1. The current food trucks were welcomed to join the Town's Spring Fest Celebration on March 20, 2021 at Malabar Community Park.

Board asked about access off Jordan Blvd to the west, for Economic Development and reaching out to EELS. Ms. Lisa Morrell ITM said that herself and Mr. McKnight (EEL's) had concerns for traffic she had two conversations concerning two possible paths for right-of way, we have been reached out to others.

New Business:

Reminder: Next Meeting – March 10, 2021

K. ADJOURN

There being no further business to discuss, **MOTION: Hofmeister/Dial to adjourn this meeting.**

Vote: All Ayes. The meeting adjourned 6 58 P.M.

BY:

Wayne Abare, Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

DRAFT

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 7.a.
Meeting Date March 10, 2021

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

SUBJECT: Amending Land Developing Code for Discussing Recreation Vehicle Parking (RVP)

BACKGROUND/HISTORY:

Town Staff has received inquires regarding the number of units permitted in Residential Mobile Home Park (R-MH) for Recreation Vehicle Parking (RVP). Presently we do not have a zoning with usage of Recreation Vehicle Parking in our District Provision, Article III.

This is coming before this Board to review and clarify our Code, the description of units per acre and requirements needed.

In review of the Malabar Town Code now permits six (6) units per acre for existing parks that have Mobile Homes and Recreation Vehicles.

This Board can discuss and make Recommendation to Council to Amend the Land Developing Code to include Recreation Vehicle Parking (RVP) and forward on to Council, add to existing code to include RVP, or simply leave this "RVP" out of Zoning/Land Use Code at this time.

ATTACHMENTS:

- Presenting Agenda Item per Ms. Lisa Morrell- Interim Town Manager, Reference to Amending Land Development Code Article III District Provisions for RVP
- Florida Statutes 513
- Report from USA Today 3/2/2021
- References, Orlando, Marion, Rockledge

ACTION OPTIONS:

Discussion

Agenda Item

7.a.

Recreational Vehicle

Florida Statutes

513

Select Year: 2020

The 2020 Florida Statutes

Title XXXIII
REGULATION OF TRADE, COMMERCE,
INVESTMENTS, AND SOLICITATIONS

Chapter 513
MOBILE HOME AND RECREATIONAL
VEHICLE PARKS

[View Entire
Chapter](#)

CHAPTER 513 MOBILE HOME AND RECREATIONAL VEHICLE PARKS

- 513.01 Definitions.
- 513.012 Public health laws; enforcement.
- 513.014 Applicability of recreational vehicle park provisions to mobile home parks.
- 513.02 Permit.
- 513.03 Application for and issuance of permit.
- 513.045 Permit fees.
- 513.05 Rules.
- 513.051 Preemption.
- 513.052 Inspection of premises.
- 513.053 Prosecution for violation; duty of state attorney.
- 513.054 Penalties for specified offenses by operator.
- 513.055 Revocation or suspension of permit; fines; procedure.
- 513.065 Enforcement; citations.
- 513.08 Disposal of sewage.
- 513.10 Operating without permit; enforcement of chapter; penalties.
- 513.1115 Placement of recreational vehicles on lots in permitted parks.
- 513.112 Maintenance of guest register and copy of laws.
- 513.114 Liability for property of guests.
- 513.115 Unclaimed property.
- 513.117 Park rules and regulations.
- 513.118 Conduct on premises; refusal of service.
- 513.121 Obtaining accommodations in a recreational vehicle park with intent to defraud; penalty; rules of evidence.
- 513.122 Theft of personal property; detention and arrest of violator; theft by employee.
- 513.13 Recreational vehicle parks; ejection; grounds; proceedings.
- 513.151 Recreational vehicle parks; guests in transient occupancy; operator's rights and remedies; writ of distress.

513.01 Definitions.—As used in this chapter, the term:

- (1) "Department" means the Department of Health and includes its representative county health departments.
- (2) "Lodging park" means a place set aside and offered by a person, for either direct or indirect remuneration of the operator of the place, in which 75 percent of the mobile homes or recreational vehicles or combination thereof are owned by the operator and offered for rent to the public and which is not licensed under chapter 509.
- (3) "Mobile home" means a residential structure that is transportable in one or more sections, which structure is 8 body feet (2.4 meters) or more in width, over 35 feet in length with the hitch, built on an integral chassis, and

designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

(4) "Mobile home park" means a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more mobile homes.

(5) "Occupancy" means the length of time that a recreational vehicle is occupied by a transient guest and not the length of time that such vehicle is located on the leased recreational vehicle site. A recreational vehicle may be stored and tied down on site when not in use to accommodate the needs of the guest. The attachment of a recreational vehicle to the ground with tie-downs or other removable fasteners, and the attachment of carports, porches, screen rooms, and similar appurtenances with removable attaching devices, do not render the recreational vehicle a permanent part of the recreational vehicle site.

(6) "Operator" means the owner, operator, keeper, lessor, proprietor, manager, assistant manager, desk clerk, agent, or employee of a mobile home, lodging, or recreational vehicle park or a recreational camp who is designated by the permittee as the individual solely responsible for the daily operation of the park or camp and its compliance with this chapter and the rules adopted under this chapter.

(7) "Permittee" means a person who applies for and is granted a permit under this chapter and who is ultimately responsible for the operation of the mobile home, lodging, or recreational vehicle park or the recreational camp and the compliance of the park or camp with this chapter and the rules adopted under this chapter.

(8) "Person" means an individual, association, partnership, corporation, or governmental unit.

(9) "Recreational camp" means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for five or more resident members of the public and designed and operated for recreational purposes.

(10) "Recreational vehicle" has the same meaning as provided for the term "recreational vehicle-type unit" in s. 320.01. However, the terms "temporary living quarters" and "seasonal or temporary living quarters" as used in s. 320.01, in reference to recreational vehicles placed in recreational vehicle parks, relate to the period of time the recreational vehicle is occupied as living quarters during each year and not to the period of time it is located in the recreational vehicle park. During the time the recreational vehicle is not occupied as temporary or seasonal quarters, it may be stored and tied down on the recreational vehicle site. The affixing of a recreational vehicle to the ground by way of tie-downs or other removable fasteners, and the attachment of carports, porches, screen rooms, and similar appurtenances by way of removable attaching devices, does not render the recreational vehicle a permanent part of the recreational vehicle site.

(11) "Recreational vehicle park" means a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park."

(12) "Transient guest" means any guest registered as provided in s. 513.112 for 6 months or less. When a guest is permitted with the knowledge of the park operator to continuously occupy a recreational vehicle in a recreational vehicle park for more than 6 months, there is a rebuttable presumption that the occupancy is nontransient, and the eviction procedures of part II of chapter 83 apply.

History.—s. 1, ch. 12419, 1927; CGL 4140; s. 1, ch. 19365, 1939; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 3, 14, 15, ch. 83-321; s. 6, ch. 84-182; s. 13, ch. 85-343; s. 1, ch. 87-193; ss. 1, 26, ch. 93-150; s. 146, ch. 97-101; s. 249, ch. 99-8; s. 2, ch. 2013-91.

513.012 Public health laws; enforcement.—It is the intent of the Legislature that mobile home parks, lodging parks, recreational vehicle parks, and recreational camps be exclusively regulated under this chapter. As such, the department shall administer and enforce, with respect to such parks and camps, laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals

to humans, and permitting and operational matters in order to protect the general health and well-being of the residents of and visitors to the state. However, nothing in this chapter qualifies a mobile home park, a lodging park, a recreational vehicle park, or a recreational camp for a liquor license issued under s. 561.20(2)(a)1. Mobile home parks, lodging parks, recreational vehicle parks, and recreational camps regulated under this chapter are exempt from regulation under chapter 509.

History.—s. 5, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 2, ch. 93-150; s. 1, ch. 2020-126.

513.014 Applicability of recreational vehicle park provisions to mobile home parks.—A mobile home park that has five or more sites set aside for recreational vehicles shall, for those sites set aside for recreational vehicles, comply with the recreational vehicle park requirements included in this chapter. This section does not require a mobile home park with spaces set aside for recreational vehicles to obtain two licenses. However, a mobile home park that rents spaces to recreational vehicles on the basis of long-term leases is required to comply with the laws and rules relating to mobile home parks including but not limited to chapter 723, if applicable.

History.—s. 6, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 3, ch. 93-150.

513.02 Permit.—

(1) A person may not establish or maintain a mobile home park, lodging park, recreational vehicle park, or recreational camp in this state without first obtaining a permit from the department. Such permit is not transferable from one place or person to another. Each permit must be renewed annually.

(2) The department may refuse a permit to, or refuse to renew the permit of, any park or camp that is not constructed or maintained in accordance with law and with the rules of the department.

(3) The department may suspend or revoke a permit issued to any person that operates or maintains such a park or camp if such person fails to comply with this chapter or the rules adopted by the department under this chapter.

(4) A permit for the operation of a park or camp may not be renewed or transferred if the permittee has an outstanding fine assessed pursuant to this chapter which is in final-order status and judicial reviews are exhausted, unless the transferee agrees to assume the outstanding fine.

(5) When a park or camp regulated under this chapter is sold or its ownership transferred, the transferee must apply for a permit to the department within 60 days after the date of transfer. The applicant must provide the department with a copy of the recorded deed or lease agreement before the department may issue a permit to the applicant.

History.—s. 2, ch. 12419, 1927; CGL 4141; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 439, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 4, 14, 15, ch. 83-321; s. 7, ch. 84-182; ss. 4, 26, ch. 93-150; s. 2, ch. 2020-126.

513.03 Application for and issuance of permit.—

(1) An application for a permit must be made in writing to the department, on a form prescribed by the department. The application must state the location of the existing or proposed park or camp, the type of park or camp, the number of mobile homes or recreational vehicles to be accommodated or the number of recreational campsites, the type of water supply, the method of sewage disposal, and any other information the department requires.

(2) If the department is satisfied, after reviewing the application of the proposed or existing park or camp and causing an inspection to be made, that the park or camp complies with this chapter and is so located, constructed, and equipped as not to be a source of danger to the health of the general public, the department shall issue the necessary permit, in writing, on a form prescribed by the department.

History.—s. 3, ch. 12419, 1927; CGL 4142; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 440, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 5, 14, 15, ch. 83-321; s. 8, ch. 84-182; ss. 5, 26, ch. 93-150.

513.045 Permit fees.—

(1)(a) Each person seeking a permit to establish, operate, or maintain a mobile home park, lodging park, recreational vehicle park, or recreational camp must pay to the department a fee, the amount of which shall be set by rule of the department.

(b) Fees established pursuant to this subsection must be based on the actual costs incurred by the department in carrying out its responsibilities under this chapter. The fee for a permit may not be set at a rate that is more than \$6.50 per space or less than \$3.50 per space. Until rules setting these fees are adopted by the department, the permit fee per space is \$3.50. The permit fee for a nonexempt recreational camp shall be based on an equivalency rate for which two camp occupants equal one space. The total fee assessed to an applicant may not be more than \$600 or less than \$50, except that a fee may be prorated on a quarterly basis.

(c) A recreational camp operated by a civic, fraternal, educational, or religious organization that does not rent to the public is exempt from the fee requirements of this subsection.

(2) Each local county health department shall collect the fees established pursuant to subsection (1) but may not collect any other fees for such permit.

¹(3) Fees collected under this section shall be deposited in the County Health Department Trust Fund, to be administered by the department, and shall be used solely for actual costs incurred in implementing and enforcing this act.

History.—ss. 6, 15, ch. 83-321; s. 92, ch. 85-81; s. 16, ch. 93-120; ss. 6, 26, ch. 93-150; ss. 147, 148, ch. 97-101; s. 43, ch. 98-151.

¹**Note.**—As amended by s. 16, ch. 93-120, and s. 147, ch. 97-101. Subsection (3) was also amended by s. 6, ch. 93-150, and s. 148, ch. 97-101, and that version reads:

(3) All fees collected by the department in accordance with this section and the rules adopted under this section shall be deposited into the respective county health department trust fund administered by the department for the payment of costs incurred in administering this chapter.

513.05 Rules.—The department may adopt rules pertaining to the location, construction, modification, equipment, and operation of mobile home parks, lodging parks, recreational vehicle parks, and recreational camps, except as provided in s. 633.206, as necessary to administer this chapter. Such rules may include definitions of terms; requirements for plan reviews of proposed and existing parks and camps; plan reviews of parks that consolidate space or change space size; water supply; sewage collection and disposal; plumbing and backflow prevention; garbage and refuse storage, collection, and disposal; insect and rodent control; space requirements; heating facilities; food service; lighting; sanitary facilities; bedding; an occupancy equivalency to spaces for permits for recreational camps; sanitary facilities in recreational vehicle parks; and the owners' responsibilities at recreational vehicle parks and recreational camps.

History.—s. 5, ch. 12419, 1927; CGL 4144; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 442, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 7, 14, 15, ch. 83-321; s. 20, ch. 87-287; ss. 7, 26, ch. 93-150; s. 44, ch. 98-151; s. 47, ch. 2000-242; s. 147, ch. 2013-183.

513.051 Preemption.—The department is the exclusive regulatory and permitting authority for sanitary and permitting standards for all mobile home parks, lodging parks, recreational vehicle parks, and recreational camps in accordance with this chapter.

History.—s. 8, ch. 93-150; s. 3, ch. 2020-126.

513.052 Inspection of premises.—The department or its agent shall inspect, at least annually, each park or camp that the department determines qualifies as a mobile home, lodging, or recreational vehicle park or a recreational camp; and, for that purpose, the department has the right of entry and access to such park or camp at any reasonable time.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 9, ch. 93-150.

513.053 Prosecution for violation; duty of state attorney.—The department or an agent of the department, upon ascertaining by inspection that a mobile home, lodging, or recreational vehicle park or a recreational camp is being operated contrary to the provisions of this chapter, shall make a complaint and cause the arrest of the violator; and the state attorney, upon request of the department or agent, shall prepare all necessary papers and conduct the prosecution. The department shall proceed in the courts by mandamus or injunction whenever such proceeding is necessary to the proper enforcement of the provisions of this chapter, of the rules adopted pursuant to this chapter, or of orders of the department.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 10, ch. 93-150.

513.054 Penalties for specified offenses by operator.—Any operator of a mobile home park, lodging park, or recreational vehicle park or a recreational camp who obstructs or hinders any agent of the department in the proper discharge of the agent’s duties; who fails, neglects, or refuses to obtain a permit for the park or camp or pay the permit fee required by law; or who fails or refuses to perform any duty imposed upon the operator by law or rule is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. On each day that such park or camp is operated in violation of law or rule, there is a separate offense.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 128, ch. 91-224; s. 36, ch. 92-78; s. 11, ch. 93-150.

513.055 Revocation or suspension of permit; fines; procedure.—

(1)(a) The department may suspend or revoke a permit issued to any person for a mobile home park, lodging park, recreational vehicle park, or recreational camp upon the failure of that person to comply with this chapter or the rules adopted under this chapter.

(b) A permit may not be suspended under this section for a period of more than 12 months. At the end of the period of suspension, the permittee may apply for reinstatement or renewal of the permit. A person whose permit is revoked may not apply for another permit for that location prior to the date on which the revoked permit would otherwise have expired.

(2)(a) In lieu of such suspension or revocation of a permit, the department may impose a fine against a permittee for the permittee’s failure to comply with the provisions described in paragraph (1)(a) or may place such licensee on probation. No fine so imposed shall exceed \$500 for each offense, and all amounts collected in fines shall be deposited with the Chief Financial Officer to the credit of the County Health Department Trust Fund.

(b) In determining the amount of fine to be imposed, if any, for a violation, the department shall consider the following factors:

1. The gravity of the violation and the extent to which the provisions of the applicable statutes or rules have been violated.
2. Any action taken by the operator to correct the violation.
3. Any previous violation.

History.—ss. 9, 15, ch. 83-321; s. 9, ch. 84-182; s. 17, ch. 93-120; ss. 12, 26, ch. 93-150; ss. 149, 150, ch. 97-101; s. 568, ch. 2003-261.

513.065 Enforcement; citations.—

(1) If the department reasonably believes that a permittee has committed a violation of this chapter which affects the public health, safety, or sanitation, then the department may serve a citation on the permittee for such violation. However, the department must have previously notified the permittee of the violation and the permittee must have failed to timely correct the violation. Citations issued under this section are proposed agency action.

(2) Citations shall be in writing and shall describe the particular violation, including a specific reference to the provision of this chapter or rule promulgated hereunder alleged to have been violated.

(3) The department may seek to impose a fine not to exceed \$500 for each violation cited under this section. Each day a violation continues after an initial citation is issued is a separate violation for which a subsequent citation may be issued. However, if the initial citation is not upheld through an administrative hearing under chapter 120, any subsequent citation for the same violation is void.

(4) Citations shall contain a conspicuous written notice of the permittee’s right to request a hearing under chapter 120 within 21 days after the date of receiving the citation and shall contain a description of the procedures to be followed to request such a hearing. Citations shall contain a conspicuous statement that if the permittee fails to timely request an administrative hearing, the permittee may be deemed to have waived the right to an administrative hearing. The statement shall also warn that if the permittee does not request a hearing, the citation becomes final agency action and if the permittee fails to pay the fine within 60 days after the date of receiving the citation, the permittee will be required to pay the maximum fine or penalty.

(5) The department may reduce or waive any civil penalty initially sought to be imposed through a citation. In determining whether to reduce or waive a fine under this section, the department shall use the criteria in s. 513.055(2)(b).

(6) This section is an alternative means of enforcing this chapter. Nothing contained in this section prohibits the department from enforcing this chapter or the rules adopted thereunder by any other means permitted under this chapter. However, the department may only use a single enforcement procedure for any one violation.

(7) Citations issued under this section shall be served on the permittee or individual at the park or camp designated by the permittee except that service may be made by a department designee if designated by rule to effect such service.

History.—s. 13, ch. 93-150; s. 25, ch. 97-98.

513.08 Disposal of sewage.—

(1) It is unlawful to empty any receptacle or fixture containing human excreta, human urine, or any other liquid waste from a mobile home or recreational vehicle or at a recreational campsite except into a sewerage system approved by the department.

(2) The operator or permittee of a mobile home park, lodging park, recreational vehicle park, or recreational camp shall provide such means for the emptying of such receptacles and for their cleaning as specified in the rules of the department.

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 4150(2); ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 445, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 8, 14, 15, ch. 83-321; ss. 14, 26, ch. 93-150.

513.10 Operating without permit; enforcement of chapter; penalties.—

(1) Any person who maintains or operates a mobile home park, lodging park, recreational vehicle park, or recreational camp without first obtaining a permit as required by s. 513.02, or who maintains or operates such a park or camp after revocation of the permit, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This chapter or rules adopted under this chapter may be enforced in the manner provided in s. 381.0012 and as provided in this chapter. Violations of this chapter and the rules adopted under this chapter are subject to the penalties provided in this chapter and in s. 381.0061.

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 7849(a); s. 1, ch. 59-214; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 6, ch. 80-351; ss. 2, 3, ch. 81-318; ss. 10, 14, 15, ch. 83-321; s. 10, ch. 84-182; s. 129, ch. 91-224; s. 57, ch. 91-297; ss. 15, 26, ch. 93-150; s. 125, ch. 2012-184.

513.1115 Placement of recreational vehicles on lots in permitted parks.—

(1) Separation distances between recreational vehicle sites within a recreational vehicle park must be the distances established at the time of the initial approval of the recreational vehicle park by the department and the local government.

(2) Setback distances from the exterior property boundary of the recreational vehicle park must be the setback distances established at the time of the initial approval by the department and the local government.

(3) If a recreational vehicle park is damaged or destroyed as a result of wind, water, or other natural disaster, the park may be rebuilt on the same site using the same density standards that were approved and permitted before the park was damaged or destroyed.

(4) This section does not limit the regulation of the uniform firesafety standards established under s. 633.206. However, this section supersedes any county, municipality, or special district ordinance or regulation regarding the lot size, lot density, or separation or setback distance of a recreational vehicle park which goes into effect after the initial permitting and construction of the park.

History.—s. 3, ch. 2013-91; s. 125, ch. 2014-17; s. 5, ch. 2020-126.

513.112 Maintenance of guest register and copy of laws.—

(1) It is the duty of each operator of a recreational vehicle park that rents to transient guests to maintain at all times a register, signed by or for guests who occupy rental sites within the park. The register must show the dates upon which the rental sites were occupied by such guests and the rates charged for the guests' occupancy. This register shall be maintained in chronological order and shall be available for inspection by the department at any time. An operator is not required to retain a register that is more than 2 years old.

(2) Such operator shall maintain at all times a current copy of this chapter in the park office, which shall be made available to a member of the public upon request.

(3) When a guest occupies a recreational vehicle in a recreational vehicle park for less than 6 months, as evidenced by the length of stay shown in the guest register, there is a rebuttable presumption that the occupancy is transient.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 17, ch. 93-150; s. 4, ch. 2020-126.

513.114 Liability for property of guests.—

(1) The operator of a recreational vehicle park is not under any obligation to accept for safekeeping any moneys, securities, jewelry, or precious stones of any kind belonging to any guest; and, if such properties are accepted for safekeeping, the operator is not liable for the loss of any of the properties unless such loss was the proximate result of fault or negligence of the operator. However, if the recreational vehicle park gave a receipt for the property, which receipt had a statement of the property value on a form which stated, in type large enough to be clearly noticeable, that such park was not liable for a greater amount than \$1,000 for any loss exceeding \$1,000 and was only liable for an amount up to \$1,000 if the loss was the proximate result of fault or negligence of the operator, the liability of the operator is limited to \$1,000 for such loss.

(2) The operator of a recreational vehicle park is not liable or responsible to any guest for the loss of wearing apparel, goods, or other property, except as provided in subsection (1), unless such loss occurred as the proximate result of fault or negligence of such operator; and, in case of fault or negligence, the operator is not liable for a greater sum than \$500, unless the guest, prior to the loss or damage, filed with the operator an inventory of the guest's effects and their value and the operator was given an opportunity to inspect such effects and check them against such inventory. The operator of a recreational vehicle park is not liable or responsible to any guest for a greater amount than \$1,000 for the loss of effects listed in such inventory as having a value of a total amount exceeding \$1,000.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 63, ch. 87-225; s. 36, ch. 92-78; s. 18, ch. 93-150.

513.115 Unclaimed property.—Any property having an identifiable owner which remains unclaimed after having been held by the park for 90 days after written notice was provided to the guest or the owner of the property becomes the property of the park. Any property that is left by a guest who has vacated the premises without notice to the operator and who has an outstanding account is considered abandoned property, and disposition thereof shall be governed by the Disposition of Personal Property Landlord and Tenant Act under s. 715.10 or under s. 705.185, as applicable.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 64, ch. 87-225; s. 36, ch. 92-78; s. 19, ch. 93-150; s. 6, ch. 2020-126.

513.117 Park rules and regulations.—Any operator of a recreational vehicle park may establish reasonable rules and regulations for the management of the park and its guests and employees; and each guest or employee staying, sojourning, or employed in the park shall conform to, and abide by, such rules and regulations so long as the guest or employee remains in or at the park. Such rules and regulations are deemed to be a special contract between the operator and each guest or employee using the facilities or services of the recreational vehicle park and control the liabilities, responsibilities, and obligations of all parties. Any rules or regulations established pursuant to this section must be printed in the English language and posted, together with a copy of ss. 513.114, 513.121, and 513.13 and a notice stating that a current copy of this chapter is available in the park office for public inspection, in the registration area of such recreational vehicle park.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 20, ch. 93-150.

513.118 Conduct on premises; refusal of service.—

(1) The operator of a recreational vehicle park may refuse to provide accommodations, service, or access to the premises to any transient guest or visitor whose conduct on the premises of the park displays intoxication, profanity, lewdness, or brawling; who indulges in such language or conduct as to disturb the peace, quiet enjoyment, or comfort of other guests; who engages in illegal or disorderly conduct; or whose conduct constitutes a nuisance or safety hazard.

(2) The operator of a recreational vehicle park may request that a transient guest or visitor who violates subsection (1) leave the premises immediately. A person who refuses to leave the premises commits the offense of trespass as provided in s. 810.08, and the operator may call a law enforcement officer to have the person and his or her property removed under the supervision of the officer. A law enforcement officer is not liable for any claim involving the removal of the person or property from the recreational vehicle park under this section, except as provided in s. 768.28. If conditions do not allow for immediate removal of the person's property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(3) Such refusal of accommodations, service, or access to the premises may not be based upon race, color, national origin, sex, physical disability, or creed.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 21, ch. 93-150; s. 7, ch. 2020-126.

513.121 Obtaining accommodations in a recreational vehicle park with intent to defraud; penalty; rules of evidence.—

(1) Any person who obtains accommodations in a recreational vehicle park which have a value of less than \$300 on a transient basis, with intent to defraud the operator of the park, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; if such accommodations have a value of \$300 or more, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) In a prosecution under subsection (1), proof that the accommodations were obtained by false pretense; by false or fictitious show of property; by absconding without paying, or offering to pay, for such accommodations; or by surreptitiously removing, or attempting to remove, a recreational vehicle, park trailer, or tent constitutes prima facie evidence of fraudulent intent. If the operator of the park has probable cause to believe, and does believe, that any person has obtained accommodations at the park with intent to defraud the operator of the park, the failure to make payment upon demand for payment, there being no dispute as to the amount owed, constitutes prima facie evidence of fraudulent intent.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 131, ch. 91-224; s. 36, ch. 92-78; s. 22, ch. 93-150.

513.122 Theft of personal property; detention and arrest of violator; theft by employee.—

(1) Any law enforcement officer or operator of a recreational vehicle park who has probable cause to believe, and does believe, that theft of personal property belonging to such park has been committed by a person and that the officer or operator can recover such property or the reasonable value thereof by taking the person into custody may, for the purpose of attempting to effect such recovery or for prosecution, take such person into custody on the premises and detain such person in a reasonable manner and for a reasonable period of time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The taking into custody and detention by a law enforcement officer or an operator of a recreational vehicle park, if done in compliance with this subsection, does not render such law enforcement officer or operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(2) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person if there is probable cause to believe that person has committed theft in a recreational vehicle park.

(3) Any person who resists the reasonable effort of a law enforcement officer or an operator of a recreational vehicle park to recover property that the law enforcement officer or operator has probable cause to believe had been stolen from the recreational vehicle park and who is subsequently found to be guilty of theft of the subject property is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless such person did not know, or did not have reason to know, that the person seeking to recover the property was a law enforcement officer or the operator of the recreational vehicle park. For purposes of this section, the charge of theft and the charge of resisting apprehension may be tried concurrently.

(4) Theft of any property belonging to a guest of a recreational vehicle park permitted under this chapter, or of property belonging to such a park, by an employee of the park or by an employee of a person that has contracted

to provide services to the park constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 23, ch. 93-150.

513.13 Recreational vehicle parks; ejection; grounds; proceedings.—

(1) The operator of any recreational vehicle park may remove or cause to be removed from such park, in the manner provided in this section, any transient guest of the park who, while on the premises of the park, illegally possesses or deals in a controlled substance as defined in chapter 893; who disturbs the peace, quiet enjoyment, and comfort of other persons; who causes harm to the physical park; who violates the posted park rules and regulations; or who fails to make payment of rent at the rental rate agreed upon and by the time agreed upon. The admission of a person to, or the removal of a person from, any recreational vehicle park may not be based upon race, color, national origin, sex, physical disability, or creed.

(2) The operator of any recreational vehicle park shall notify such guest that the park no longer desires to entertain the guest and shall request that such guest immediately depart from the park. Such notice shall be given in writing, as follows: “You are hereby notified that this recreational vehicle park no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this state.” If such guest has paid in advance, the park shall, at the time such notice is given, tender to the guest the unused portion of the advance payment. Any guest who remains or attempts to remain in such park after being requested to leave commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a guest has accumulated an outstanding account in excess of an amount equivalent to 3 nights’ rent at a recreational vehicle park, the operator may disconnect all utilities of the recreational vehicle and notify the guest that the action is for the purpose of requiring the guest to confront the operator or permittee and arrange for the payment of the guest’s account. Such arrangement must be in writing, and a copy shall be furnished to the guest. Upon entering into such agreement, the operator shall reconnect the utilities of the recreational vehicle.

(4) If any person is illegally on the premises of any recreational vehicle park, the operator of such park may call upon any law enforcement officer of this state for assistance. It is the duty of such law enforcement officer, upon the request of such operator, to remove from the premises or place under arrest any guest who, according to the park operator, violated subsection (1) or subsection (2). If a warrant has been issued by the proper judicial officer for the arrest of any guest who violates subsection (1) or subsection (2), the officer shall serve the warrant, arrest the guest, and take the guest into custody. Upon removal or arrest, with or without warrant, the guest is deemed to have abandoned or given up any right to occupancy of the premises of the recreational vehicle park; and the operator of the park shall employ all reasonable and proper means to care for any personal property left on the premises by such guest and shall refund any unused portion of moneys paid by such guest for the occupancy of such premises. If conditions do not allow for immediate removal of the guest’s property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(5) In addition to the grounds for ejection established by law, grounds for ejection may be established in a written lease agreement between a recreational vehicle park operator or permittee and a recreational vehicle park guest.

History.—ss. 11, 15, ch. 83-321; s. 12, ch. 84-182; s. 93, ch. 85-81; s. 132, ch. 91-224; ss. 24, 26, ch. 93-150; s. 8, ch. 2020-126.

513.151 Recreational vehicle parks; guests in transient occupancy; operator’s rights and remedies; writ of distress.—This section applies only to guests in transient occupancy in a recreational vehicle park.

(1) OPERATOR’S RIGHT TO DISCONNECT UTILITIES.—

(a) If an operator of a recreational vehicle park makes a reasonable determination that a guest has accumulated a large outstanding account at such park, the operator may disconnect all utilities of the recreational vehicle or tent, except that the operator must not by such actions create a sanitary nuisance. The operator may also take such other measures considered necessary for the purpose of requiring the guest to confront the operator

and arrange for payment on the guest's account. Such arrangement must be in writing, and a copy shall be furnished to the guest.

(b) Once the guest has confronted the operator and made arrangement for payment on the guest's account, the operator shall reconnect the utilities of the recreational vehicle or tent, or otherwise reverse the measures taken under paragraph (a).

(2) OPERATOR'S RIGHT TO RECOVER PREMISES.—If the guest of a recreational vehicle park vacates the premises without notice to the operator and the operator reasonably believes the guest does not intend to satisfy the outstanding account, the operator may recover the premises by removing the recreational vehicle or tent from the site. The operator shall take all reasonable and proper means to care for the recreational vehicle or tent until a settlement or a final court judgment is obtained on the guest's outstanding account. Upon recovery of the premises, the operator shall seal, or cause to be sealed, the recreational vehicle in the presence of at least one other person who is not an agent of the operator or shall make an itemized inventory of any property belonging to the guest and store such property until a settlement or a final court judgment is obtained on the guest's outstanding account. Such inventory shall be conducted by the operator and at least one other person who is not an agent of the operator.

(3) OPERATOR'S WRIT OF DISTRESS.—If, after there has been a disconnection of utilities pursuant to subsection (1), a guest fails to make the agreed-upon payments on the guest's account, or, notwithstanding subsection (1), if a guest vacates the premises without making payment on the guest's outstanding account, the operator may proceed to prosecute a writ of distress against the guest and the guest's property. The writ of distress must be predicated on the lien created by s. 713.77.

(a) An action under this subsection must be brought in a court of appropriate jurisdiction in the county where the property is located. If the property consists of separate articles, the value of any one of which articles is within the jurisdictional amount of a lower court but the total value of which articles, taken together, exceeds that jurisdictional amount, the plaintiff may not divide the property to give jurisdiction to the lower court so as to enable the plaintiff to bring separate actions for the property.

(b) To obtain an order authorizing the issuance of a writ of distress upon final judgment, the plaintiff must first file with the clerk of the court a complaint reciting and showing the following information:

1. A statement of the amount of the guest's account at the recreational vehicle park.
2. A statement that the plaintiff is the operator of the recreational vehicle park in which the guest has an outstanding account. If the plaintiff's interest in such account is based on written documents, copies of such documents must be attached to the complaint.
3. A statement that the operator has made a reasonable attempt to obtain payment from the guest for an outstanding account, either by confronting the guest or by a disconnection of utilities pursuant to subsection (1), and a statement that the guest has failed to make any payment or that the guest has vacated the premises without paying the outstanding account.
4. A statement that the account is outstanding and unpaid by the guest; a statement of the services provided to the guest for which the outstanding account was accumulated; and a statement of the cause of such nonpayment according to the best knowledge, information, and belief of the plaintiff.
5. A general statement as to what property the plaintiff is requesting levy against, including the property included in the inventory conducted pursuant to subsection (2) if the operator has recovered the premises, and a statement of the authority under which the plaintiff has a lien against such property.
6. A statement, to the best of the plaintiff's knowledge, that the claimed property has not been taken for a tax, assessment, or fine pursuant to law or taken under an execution or attachment by order of any court.

(c) The officer of the court to whom a writ of distress is directed shall execute the writ of distress by serving it on the defendant and by levying on the property distrainable for services rendered, if such property is found within the area of the officer's jurisdiction. If the property is not found in that jurisdiction but is in another jurisdiction, the officer shall deliver the writ to the proper authority in the other jurisdiction. The writ shall be executed by levying on such property and delivering it to the officer of the court in which the action is pending, and the property shall be disposed of according to law, unless the officer is ordered by such court to hold the property and

dispose of it according to law. If the defendant cannot be found, the levy on the property suffices as service of the writ on the defendant if the plaintiff and the officer each file a sworn statement stating that the whereabouts of the defendant are unknown.

(4) OPERATOR'S PREJUDGMENT WRIT OF DISTRESS.—

(a) A prejudgment writ of distress may issue, and the property seized may be delivered forthwith to the plaintiff, if the nature of the claim, the amount of the claim, and the grounds relied upon for the issuance of the writ clearly appear from specific facts shown by the verified petition or by a separate affidavit of the plaintiff.

(b) The prejudgment writ of distress may issue if the court finds, pursuant to paragraph (a), that the defendant has failed to make payment as agreed and that the defendant is engaging in, or is about to engage in, conduct that may place the claimed property in danger of being destroyed, being concealed, being removed from the state, being removed from the jurisdiction of the court, or being transferred to an innocent purchaser during the pendency of the action.

(c) A prejudgment writ of distress may issue only upon a signed order of a circuit judge or a county court judge. The prejudgment writ of distress must include a notice of the defendant's right to an immediate hearing before the court issuing the writ.

(d) The plaintiff must post bond in the amount of twice the estimated value of the goods subject to the writ or twice the balance of the outstanding account, whichever is the lesser amount as determined by the court, as security for the payment of damages the defendant may sustain if the writ is wrongfully obtained.

(e) The prejudgment writ issued under this subsection must command the officer to whom it may be directed to distrain the described personal property of the defendant and hold such property until final judgment is rendered.

(f)1. The defendant may obtain release of the property seized under a prejudgment writ of distress by posting bond with a surety within 10 days after service of the writ, in the amount of 125 percent of the claimed outstanding account, for the satisfaction of any judgment that may be rendered against the defendant, conditioned upon delivery of the property if the judgment should require it.

2. As an alternative to the procedure prescribed in subparagraph 1., the defendant, by motion filed with the court within 10 days after service of the writ, may obtain the dissolution of a prejudgment writ of distress, unless the plaintiff proves the grounds upon which the writ was issued. The court shall set such motion for an immediate hearing.

(5) INVENTORY OF DISTRAINED PROPERTY.—When the officer seizes distrainable property, either under paragraph (3)(c) or paragraph (4)(e), and such property is seized on the premises of a recreational vehicle park, the officer shall inventory the property; hold those items which, upon the officer's appraisal, would satisfy the plaintiff's claim; and return the remaining items to the defendant. If the defendant cannot be found, the officer shall hold all items of property seized. The officer may release the property only pursuant to law or a court order.

(6) EXECUTION ON PROPERTY IN POSSESSION OF THIRD PERSON.—If the property to be distrained is in the possession of the defendant at the time of the issuance of a writ under subsection (3) or a prejudgment writ under subsection (4) and the property passes into the possession of a third person before the execution of the writ, the officer holding the writ shall execute it on the property in the possession of the third person and shall serve the writ on the defendant and the third person; and the action, with proper amendments, shall proceed against the third person.

(7) CLAIM BY THIRD PERSON TO DISTRAINED PROPERTY.—A third person claiming any property distrained pursuant to this chapter may interpose and prosecute a claim for that property in the same manner as is provided for similar cases of claim to property levied on under execution.

(8) JUDGMENT.—

(a) *For plaintiff.*—

1. If it appears that the account stated in the complaint is wrongfully unpaid, and the property described in such complaint is the defendant's and was held by the officer executing the prejudgment writ, the plaintiff shall have judgment for the damages sustained by the plaintiff, which judgment may include reasonable attorney's fees

and costs, by taking title to the defendant's property in the officer's possession or by having the property sold as prescribed in subsection (9).

2.a. If it appears that the property was retained by, or redelivered to, the defendant on the defendant's forthcoming bond, either under subparagraph (4)(f)1. or subparagraph (4)(f)2., the plaintiff shall take judgment for the property, which judgment may include reasonable attorney's fees and costs, and against the defendant and the surety on the forthcoming bond for the value of the outstanding account; and the judgment, which may include reasonable attorney's fees and costs, shall be satisfied by the recovery and sale of the property or the amount adjudged against the defendant and the defendant's surety.

b. After the judgment is rendered, the plaintiff may seek a writ of possession for the property and execution for the plaintiff's costs or may have execution against the defendant and the defendant's surety for the amount recovered and costs. If the plaintiff elects to have a writ of possession for the property and the officer returns that the officer is unable to find the property or any part of it, the plaintiff may immediately have execution against the defendant and the defendant's surety for the whole amount recovered less the value of any property found by the officer. If the plaintiff has execution for the whole amount, the officer shall release all property taken under the writ of possession.

c. In any proceeding to ascertain the value of the property so that judgment for the value may be entered, the value of each article must be found. When a lot of goods, wares, or merchandise has been distrained, it is sufficient to ascertain the total value of the entire lot found, and it is not necessary to ascertain the value of each article of the lot.

(b) *For defendant.*—

1. If property has been retained by, or redelivered to, the defendant on the defendant's forthcoming bond or upon the dissolution of a prejudgment writ and the defendant prevails, the defendant shall have judgment against the plaintiff for any damages of the defendant for the taking of the property, which judgment may include reasonable attorney's fees and costs.

2. If the property has not been retained by, or redelivered to, the defendant and the defendant prevails, judgment shall be entered against the plaintiff for possession of the property, which judgment may include reasonable attorney's fees and costs.

3. The remedies provided in this paragraph do not preclude any other remedies available under the laws of this state.

(9) SALE OF DISTRAINED PROPERTY.—

(a) If the judgment is for the plaintiff, the property in whole or in part shall, at the plaintiff's option pursuant to subparagraph (8)(a)1. or subparagraph (8)(a)2., be sold and the proceeds applied to the payment of the judgment.

(b) Before any property levied on is sold, it must be advertised two times, the first advertisement being at least 10 days before the sale. All property so levied on may be sold on the premises of the recreational vehicle park or at the courthouse door.

(c) If the defendant appeals and obtains a writ of supersedeas before sale of the property, the officer executing the writ shall hold the property, and there may not be any sale or disposition of the property until final judgment is had on appeal.

(10) EXEMPTIONS FROM DISTRESS AND SALE.—The following property of a guest is exempt from distress and sale under this chapter:

(a) From final distress and sale: clothing; and items essential to the health and safety of the guest.

(b) From prejudgment writ of distress: clothing; items essential to the health and safety of the guest; and any tools of the guest's trade or profession, business papers, or other items directly related to such trade or profession.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 94, ch. 85-81; s. 36, ch. 92-78; s. 25, ch. 93-150.

Agenda Item

7.a.

Gated RV resorts have sprung up during the pandemic. Marion County is the next hot spot

USA Today 3/2/2021

NEWS

Gated RV resorts have sprung up during the pandemic. Marion County is 'the next hot spot'

By **Joe Callahan** Ocala Star-Banner

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It was August 2019 when Debbie and Steve Newsome left their Alaska home in their 38-foot Winnebago, called a Class A Diesel Pusher, and headed south to Alabama to visit family. It was their first out-of-state RV retirement journey.

While in Alabama, they watched an RVing video on YouTube that featured Sunkissed Village RV Resort, a luxury 55-and-older park on South U.S. 441, next to Camping World and across the street from Del Webb Spruce Creek Golf & Country Club retirement community in Summerfield.

The couple loaded up and headed south to be kissed by the Florida sunshine.

Sunkissed Village, which sits on 33 acres, opened in December 2019. Currently, the park has 208 RV sites and 59 park model suites, or permanent manufactured homes, that are about 500 square feet each.

Unlike the RV parks and campsites of old, many of the newer RV camping venues are, in fact, resorts. They feature scenic lots, large clubhouses, Olympic-size pools, and ample recreation facilities, including popular pickleball courts.

Debbie Newsome, 65, said that COVID-19 forced her and her husband, who is 67, to alter their original plan, which was to spend winter 2019-20 in the southern United States before heading back to Alaska last spring.

More: USA Today travel tips

"We didn't intend on staying away for a year, but because of COVID we decided it was best for us to just to stay put until it calms down some," Darla Newsome noted, adding RV parks are now about location and neighbors.

By the time they get back home, if the new plan plays out, 20 months will have passed since they left Anchorage.

The couple does a lot of biking at the Santos Trailhead, as well as "all kinds of games, dinners and dancing" at Sunkissed Village, she noted. She said of course the dinners and dancing are outdoors and have met social distancing requirements.

Sunkissed Village is one of many luxury-style RV communities that are popping up all across Florida, and especially in Marion County.

'Marion is next hot spot'

Bobby Cornwell, president and CEO of the Florida Association of RV Parks and Campgrounds for nearly three decades, said Florida is seeing the most growth in terms of new RV parks, and Marion is becoming a top destination.

In Florida, there is one RV space per 225 people, while in Marion there is one RV space per 60 people. That means Marion has nearly four times the RV lots per capita than the state average.

Marion has 41 RV parks and 5,820 spaces. Florida has 800 RV parks and 100,000 spaces. Marion is becoming a hot spot because of its proximity to Orlando and the beaches. The Ocala National Forest is also known for its springs and trails – not to mention the World Equestrian Center, the Florida Horse Park and other venues that draw people who may need longer term living arrangements.

"Ocala is just primed," Cornwell said. "It's growing by leaps and bounds. A lot of it has to do with Ocala being in Central Florida. It's a peaceful area that is conveniently located to Orlando, the beaches and an hour-and-half from anywhere you want to go."

Cornwell said that the weather is good in Ocala and the local government has worked well with developers to have "nice RV business properties in the area."

Mike Wood, who owns four RV parks in Alachua and Sumter counties, says Marion County is where he wants to expand. His RV parks can be found on his I75Camp.com website, which he uses to draw in customers.

He said he once owned an RV park in Marion and is looking to do so again.

"I am very familiar with Marion County and I am actively looking because I need that spot because I have got parks from Bushnell, Lake Panasoffkee and Wildwood, on up to Gainesville. There's no question that Marion County is the next hot spot," he said.

Build it and they will come

Darla Sinnard is regional manager for Sunkissed Village and three other properties owned by Jennings Realty in Illinois. She said Sunkissed is the company's first RV park built from scratch. The others were purchased and renovated.

"We are booked into the spring," Sinnard said. "They come down during the pandemic and enjoy the Florida sunshine and have the ability to safely go to restaurants and attend events with masks. It's the freedom of traveling."

Coming soon will be two more luxury RV resorts, which are slated to open by early 2022, while others are set to be renovated and expanded.

- **Champions Run Ocala Luxury RV Resort:** Developer Chris Miller, of Sunlight Resorts, said the company will soon break ground on 50-plus acres. The development will include a 12,000-square-foot clubhouse and large pool.

The resort will be on Northwest 44th Avenue just off U.S. 27, not far from the The Shops of Foxwood Publix.

"We will be putting in many amenities, such as shuffleboard court, pickleball courts and palm trees on every lot," Miller said. "This will be a five-star resort."

Miller said his company just opened its first luxury resort in Lake Wales, called Resort at Canopy Oaks.

- **Southern Leisure RV Resort of Ocala:** Construction is underway on 185 RV sites in this planned gated resort, which is expected to open by Jan. 1, according to developer Alan Wallace. It will be just west of Interstate 74 and north of State Road 40.

Wallace is the developer of Keystone Heights RV Resort, which just opened. Amenities will include a 7,000-square-foot clubhouse, an Olympic-size swimming pool and spa, as well as bocce ball, pickleball and shuffleboard courts.

Wallace is also the developer of the Southern Leisure RV Resort in Chiefland, which opened two years ago.

Campgrounds no longer a last resort

Though campgrounds were once associated with last-resort living, a notch above homelessness, RV communities have ditched that stigma and most new resorts live up to the name.

They are destinations, or gated RV resorts, offering elite retirement community or family-style amenities, such as Olympic-size pools, elaborate community centers and sports facilities, with most featuring pickleball courts.

Ken Loyd, general manager of Keystone Heights RV Resorts, works for RV park developer Alan Wallace, who is developing the Southern Leisure RV Resort of Ocala.

"I remember when I was a kid, when my dad would schedule a camping trip, we would take a ride to the campground to see what it was like before we would make a reservation to make sure we weren't going into a trashy park," Loyd, 57, said.

Loyd said that RV parks, and many campgrounds, are trying to shed those reputations.

"Unfortunately, a lot of campgrounds did get that reputation of being a last resort for a lot of people," Loyd noted. "Now you can live in a gated (park) with a group of people that have basically become family."

The tide especially turned in 2008 as the nation headed into a recession. Since then, there has been a definite shift in the purpose and development of RV parks and campgrounds.

"People started heading back out to RV parks, not because they were desperate but because they found it to be a great alternative lifestyle," Loyd said.

– *Contact Joe Callahan at 897-0307 or at joe.callahan@starbanner.com. Follow him on Twitter @JoeOcalaNews.*

Agenda Item

7.a.

Marion County Land Development Code

Sec. 4.2.25. - Recreation Vehicle Park (P-RV) classification.

A. Intent of Classification. The Recreational Vehicle Park classification is intended to provide for the rental of areas or spaces that may include manufactured homes, park models, camper and tent vehicles, fifth wheel travel trailer, travel trailers, camping trailer, truck camper, motor home, van conversion, tent vehicles and tents, cabins or bunk house sleeping quarters. The uses allowed in this district may be water-related, water-dependent, or natural resource dependent and are necessary for the support of the guests and the immediate population.

B. Permitted Uses:

Accessory uses are permitted on lots greater than 2400 square feet

Accessory uses and structures such as private recreational facilities including swimming pool, archery range, shuffleboard, clubhouse, meeting room, and similar facilities needed to support a resort development

Additions (where permitted) include screen room, awning, carport, utility room, and storage shed

Agricultural uses as an interim use, excluding livestock

Bottled gas, refilling of cylinders

Dwelling Units for owner or employee

Convenience store, gas station for primary use of residents and their guests

Laundromats

Service, maintenance buildings

Sports facilities which may include tennis facility, racquet ball facility or swimming club facility

C. Special Uses (requiring permit):

Church, Places of Worship

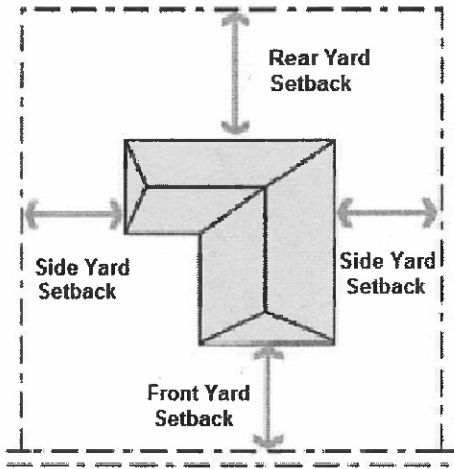
Gas meter facility and supply lines, high pressure (except where such permits are pre-empted by state or federal regulations)

Sewage treatment plants (inflow exceeding 5,000 gallons per day)

Sprayfields (or other type of effluent disposal area when application rate exceeds 5,000 gallons per day, if allowed by law)

Water wellfields

D. Development Standards:



Street

Minimum Lot Area:

1,500 square feet for Park model or travel trailer, without additions

2,400 square feet for Park model trailer, with additions

4,000 square feet for Manufactured homes

Minimum Lot Width:

30 feet for Park model or travel trailer, without additions

35 feet for Park model trailer, with additions

40 feet for Manufactured homes

Maximum Building Height: 40 feet

E. Setbacks:

Setbacks in Recreational Vehicle Parks designed and constructed prior to June 11, 1992 shall have front, side, and rear setbacks of 8 feet for main structures, and 10-foot rear and side setbacks for accessory use structures.

Minimum Front Setback:

20 feet for Manufactured home and Park model sites if parking is provided elsewhere, this setback may be reduced to 8 feet.

Minimum Side Setback:

15 feet for Manufactured home sites

15-foot separation unit to unit or unit to addition for Park Models

Minimum Rear Setback:

10 feet for Manufactured home or Park model sites.

Accessory uses (where permitted) require a 10 feet separation between additions, and must be located in a side or rear yard only. Refer to Section 4.3.5.D for additional accessory structure standards.

F. Special Requirement:

- (1) A park shall consist of two or more units.
- (2) All side setbacks shall be measured from the wall of one unit or addition to the wall of the adjacent unit or addition.
- (3) Outdoor ground lighting shall not cast direct light on offsite dwellings.
- (4) A service building equipped with toilets, lavatories, showers, and laundry facilities shall be provided.
- (5) All additions on individual spaces must be constructed to standard building code.
- (6) Indoor, outdoor display or storage is limited to permitted uses and must adhere to buffering requirements as outlined in Sec. 6.8.6 of this Code.
- (7) Under skirting shall be provided for all units used for rental purposes and for mobile homes that rent spaces for more than 12 months.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

Agenda Item

7.a.

Orlando Florida Code of Ordinances

4I. - RECREATIONAL VEHICLE PARKS

Sec. 58.780. - General Requirements.

In addition to any Zoning District and Use Regulations of Figures 1—2, the following requirements shall apply to all Recreational Vehicle Parks.

(Ord. of 9-16-1991, Doc. #25094)

Sec. 58.781. - Locational Requirements.

All recreational vehicles shall be placed only in approved recreational vehicle spaces in RV parks. The storage of unoccupied recreational vehicles shall be permitted only in those areas designated for storage on the approved final site plan.

(Ord. of 9-16-1991, Doc. #25094)

Sec. 58.782. - Site Design Requirements.

Access. Recreational Vehicle Parks shall be so located and designed that no entrance or exit shall require movement of traffic to or from the RV park through a residential district.

Parking Pads. Each recreational vehicle space shall contain a stabilized vehicular parking pad of shell, marl, paving or other suitable material. This parking pad shall be located at least 5 feet from any RV space line.

Sanitary Facilities. Sanitary facilities shall be provided in accordance with the requirements of the State of Florida and the County Health Department.

Garbage and Trash. The RV Park management shall be strictly responsible for internal trash and garbage collection. Central trash collection points shall be completely screened from view from outside the park.

Site Conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The RV spaces shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion of the park subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards. To this end, all recreational vehicle spaces which are located in any designated hurricane flood zone shall conform to the applicable federal or state minimum finished elevation requirements of such zone.

(Ord. of 9-16-1991, Doc. #25094)

Sec. 58.783. - Street Design.

Vehicular use areas shall be paved and shall be clearly marked as to internal circulation and direction of travel. Pavement widths for travel lanes shall be as follows:

- (a) One-Way Travel Lane: 18 Ft.
- (b) Two-Way Travel Lane: 24 Ft.
- (c) Cul-de-Sac Diameter: 80 Ft.

(Ord. of 9-16-1991, Doc. #25094)

Sec. 58.784. - Use Restrictions.

Permanent Occupancy Prohibited. No recreational vehicle shall be used as a permanent place of residence, dwelling or business. Continuous occupancy extending beyond three months in any 12-month period shall be considered prima facie evidence of permanent occupancy.

Removal of Vehicle Equipment Prohibited. Removal of the vehicle tag, wheels, tongue, hitch or A-frame, gas tanks or other vehicle equipment from a recreational vehicle shall be prohibited, and shall be considered prima facie evidence of permanent occupancy.

Attachments to Recreational Vehicles Prohibited. Attachments to recreational vehicles shall be prohibited, with the sole exceptions of pop-out units and similar structures which are integral to the recreational vehicle as originally manufactured.

(Ord. of 9-16-1991, Doc. #25094)

Sec. 58.785. - Certification of Sites.

After all required improvements have been completed for a recreational vehicle park, or an approved construction stage of the park, the engineer of record shall certify completion of all improvements in accordance with construction drawings and the Zoning Official shall certify the completed RV spaces as being approved for occupancy. Until an RV space is approved for occupancy, no recreational vehicle shall be placed thereon.

(Ord. of 9-16-1991, Doc. #25094)

Sec. 58.786. - Specific Standards.

Minimum Development Site Standards.

Development site area: 20 acres.

Open space (exclusive of perimeter setback): 10%.

Perimeter setback: 25 feet.

Thoroughfare setback: 50 feet.

Minimum Building Site Standards.

Area: 1400 sq. ft.

Mean width: 25 feet.

Principal Building Setback.

Front yard: 10 feet.

Side yard: 5 feet.

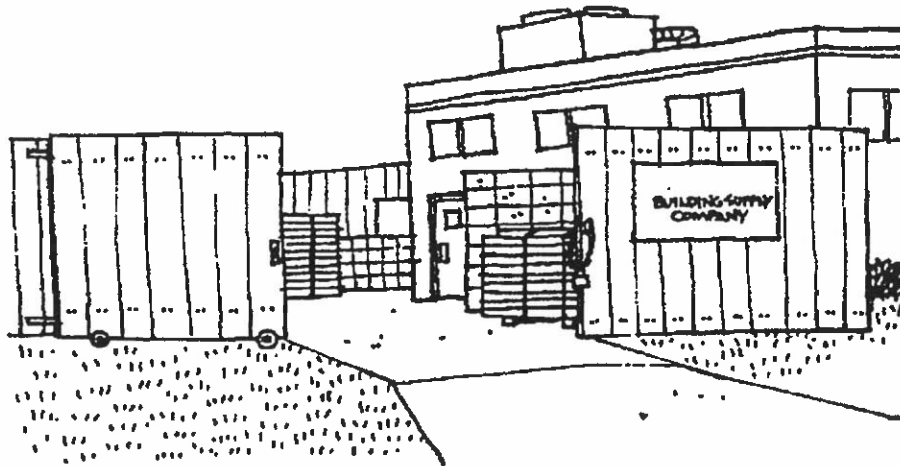
Street side yard: 5 feet.

Rear yard: 5 feet.

ISR: Varies by Zoning District.

(Ord. of 9-16-1991, Doc. #25094)

Secs. 58.787—58.789. - Reserved.



4J. OUTSIDE STORAGE USES AND STORAGE FACILITIES

Agenda Item

7.a.

Rockledge Florida Land Development Regulations

SECTION 62.90. - RVP—RECREATIONAL VEHICLE PARK DISTRICT

62.91. - Intent.

The letters RV or RVP appearing in these regulations mean "recreational vehicle" or "recreational vehicles park" respectively, when the context so requires or permits. The RVP (recreational vehicle park) district is intended as an area in which recreational vehicle may be operated for the convenience of persons desiring "temporary" accommodations for camping, tenting and recreational vehicles. The use character of the RVP district shall be deemed commercial in nature, as distinguished from residential, and any recreational vehicle, tent, camper, recreational vehicle or other habitable unit occupied by a guest or patron of a recreational vehicle park shall not be deemed to be a "resident," nor a "residence," "dwelling," or "place of residence" within the meaning of other provisions of the Rockledge Zoning Codes which prohibit or restrict land usage in relation to residences.

(Ord. No. 1082-94, § 1, 6-15-94)

62.91.1. - Definitions.

As used in this section:

Building official means the city's duly appointed building and zoning enforcement officer or his authorized representative.

Entrance road means the principal road or roads by which residents and the general public obtain ingress and egress to and from recreational vehicle park premises.

Health officer means the legally designated health authority of the city or his authorized agent.

Sanitary station means a facility used for removing and disposing of wastes from recreational vehicle holding tanks.

Service building means a building housing facilities such as recreational, maintenance, laundry and office structures necessary to the successful development and management of a recreational vehicle park.

Tent means a collapsible structure of canvas or other material, stretched and sustained by poles and usually made fast by ropes attached to pegs or stakes hammered into the ground.

Recreational vehicle-type unit means a unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on public roadways of this state, must comply with the length and width provisions of Florida Statutes Section 316.515, as that section may hereafter be amended. As defined below, the basic entities are as follows:

- (a) Travel trailer, including a "fifth-wheeled travel trailer," is a vehicular, portable unit mounted on wheels, of such size and weight as not to require special highway moving permits when drawn by a motorized vehicle. It is primarily designed and constructed for recreational, camping, or travel. It has a body width of no more than eight and one-half (8½) feet and an overall body length of no more than forty (40) feet when factory-equipped for the road.
- (b) Truck camper is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping

and travel use.

- (c) Motor home is a vehicular unit which does not exceed forty (40) feet in length and the height and width limitation provided in Florida Statutes Section 316.515, self-propelled, and primarily designed to provide temporary living quarters for recreational, camping and travel use.
- (d) Camping trailer is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalks which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- (e) Private motor coach is a vehicular unit which does not exceed the length, width, and height limitations provided in Florida Statutes Section 316.515(9), is built on a self-propelled bus type chassis having no fewer than three (3) load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- (f) Van conversion is a vehicular unit which does not exceed the length and width limitations provided in Florida Statutes Section 316.515, is built on a self-propelled motor chassis, and is designated for recreational, camping, or travel use.
- (g) Park trailer is a transportable unit which has a body width not exceeding twelve (12) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay windows, does not exceed four hundred (400) square feet when constructed to ANSI A-119.5 standards, and five hundred (500) square feet when constructed to United States Department of Housing and Urban Development Standards. The length of the park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the body (at the opposite end of the body), including any protrusions.

Recreational vehicle park means a development in which sites are rented for the placement of recreational vehicles type units, or tents, or both for temporary use as living quarters.

Recreational vehicle site means a parcel of land within a recreational vehicle park designed and improved for the accommodation of not more than one recreational vehicle or one tent.

(Ord. No. 1082-94, § 1, 6-15-94)

62.91.2. - Inspections authorized.

The building official is hereby authorized to make periodic inspections of the recreational vehicle park and recreational vehicle sites for the purpose of determining satisfactory compliance with the regulations of this section pertaining to the health, safety and welfare of the residents of this city.

(Ord. No. 1082-94, § 1, 6-15-94)

Editor's note— At the direction of the city, former §§ 11-61 and 11-62 of the Code of Ordinances have been included herein as §§ 62.91.2 and 62.91.3.

62.91.3. - Location to comply with zoning.

No recreational vehicle park shall be located within the city except in an area zoned for recreational vehicle parks (RVP) by the Zoning Ordinance of the city.

(Ord. No. 1082-94, § 1, 6-15-94)

Note— See the editor's note following [§ 62.91.2](#).

62.92. - Uses.

- (a) *Principal.* Within any RVP recreational vehicle park district, no building, structure, land or water shall be used except for one or more of the following uses:
 - (1) Recreational vehicle park. Spaces in recreational vehicle parks may be used by recreational vehicles, or equivalent facilities constructed in or on automotive vehicles, tents or other short-term housing devices. Nonrecreational service and administrative buildings are permitted.
- (b) *Accessory.* The following uses are permitted as accessories to the recreational vehicle park as a convenience solely for the guests of the park:
 - (1) Bottled gas sales.
 - (2) Grocery store.
 - (3) Petroleum products (gas, oil, etc.) sales and service.
 - (4) Laundry facilities.
 - (5) Playgrounds and picnic areas.
 - (6) Recreational hall and game courts.
 - (7) Swimming pools.
 - (8) Marina and boat rental (including bait, fishing and sports accessories sales).
 - (9) Manager's residence.
 - (10) Beauty and barber shop.
 - (11) Snack bar facilities seating no more than twenty (20) people.
 - (12) Minor RV accessory parts.
- (c) *Special exceptions.* When, after review of an application with plans pertinent thereto and hearing thereon, the board of adjustment finds that the proposed use or uses are in harmony with the purpose and intent of this Zoning Ordinance and with the comprehensive plan and with the public interest, the following conditional uses may be granted:
 - (1) A marina and boat rental (including bait, fishing and sports accessories sales) planned to service both recreational vehicle park visitors and the general public. A separate access road on the periphery of the recreational vehicle park is required for use by the general public.
 - (2) Mobile home or single-family residence for the use of duly employed managers or assistant managers; however, in no event shall the total number of residences under subsection (b)(9) and this subsection exceed two (2).
- (d) *Prohibited.* The following uses are specifically prohibited in the RVP recreational vehicle park district:
 - (1) Any residential dwelling unit, with the exception of mobile home or single-family residence, per subsections (b)(9) and (c)(2).

- (2) Home occupations (per Section 80.03).
- (3) Adult business establishments.
- (4) Child care centers.
- (5) Major, structural or mechanical repairs or maintenance of RV's.

(Ord. No. 1082-94, § 1, 6-15-94)

62.93. - Building requirements.

The maximum building height is twenty-five (25) feet.

(Ord. No. 1082-94, § 1, 6-15-94)

62.94. - Submission of a site plan.

No change in zoning classification to a recreational vehicle park zone (RVP) shall be granted nor shall any use and occupancy permit [be] issued unless such application for zoning change or application for use and occupancy permit is predicated upon, among other factors, the submission and approval of a site plan of development, which site plan shall contain the following information:

- (A) Name and address of applicant.
- (B) Location and legal description of the proposed or existing recreational vehicle park.
- (C) Locations and dimensions of all existing and proposed streets, alleyways, rights-of-way, public easements and buffer zones.
- (D) Location and dimensions of all proposed recreational vehicle sites.
- (E) Locations, plans and specifications of all proposed service buildings and recreation area or areas.
- (F) Locations and sizes of water and sewer lines, and restroom facilities.
- (G) Designations of streets to be paved.
- (H) Locations of lighting stands.
- (I) All setback dimensions.
- (J) Locations and dimensions of the recreational vehicle park buffer area.
- (K) Such further information as may be required by the health officer to determine if the proposed recreational vehicle park is in compliance with the applicable health regulations.
- (L) If the applicant desires to alter or expand an existing recreational vehicle park, an additional site plan shall be submitted indicating the locations and dimensions of the altered, additional and existing recreational vehicle sites, streets, walkways and service buildings.
- (M) Drainage plan.
- (N) Any other exhibits as may be required by the building official, zoning department and the health officer.

(Ord. No. 1082-94, § 1, 6-15-94)

62.94.1. - Site plan review.

[(a)] The site plan shall be reviewed by the city planning commission, health officer and any other departments or officials as deemed necessary by the city manager prior to a final decision by the city council.

[(b)] Prior to the issuance of a building permit, the applicant shall submit a site plan to the city for its review and approval, according to the site plan review process established in this Code, entitled "Recreational Vehicle Parks."

(Ord. No. 1082-94, § 1, 6-15-94)

62.95. - Design standards for parks.

- (A) *Minimum size.* Each parcel of land to be used for a recreational vehicle park shall be a minimum of ten (10) acres.
- (B) *Density.* There shall be a minimum of fifteen (15) recreational vehicle sites per gross acre of land within the recreational vehicle park. This shall also apply to any tent camping area.
- (C) *Streets and parking.* Access to park shall be:

- (1) *[Entrance roads.]* Direct vehicular access to the recreational vehicle park shall be only from an abutting approved street. Access to the park shall be so located as to:
 - (a) Provide minimum congestion on the external street;
 - (b) Provide a clear and unobstructed view of oncoming traffic from both directions for a distance of not less than three hundred fifty (350) feet;
 - (c) Provide for good vehicular circulation in the park.

The administrative facility of the recreational vehicle park shall be private and shall be so located as to assure the complete removal of recreational vehicle units from the public right-of-way during the check-in process.

- (2) *Width of streets.* Streets in a recreational vehicle park shall be private and shall be at least of the following widths:
 - (a) A one-way street shall be at least twelve (12) feet in width.
 - (b) A two-way street shall be at least twenty-four (24) feet in width.
- (3) *Street surfacing.* Access roads entering a recreational vehicle park shall match the surface of the public road providing access to the park. If the public road is paved, the access road of a recreational vehicle park shall be paved for a distance of one hundred (100) feet into the park from all entrances and exits, and shall be at least twenty-four (24) feet in width. Recreational vehicle park roads which are not paved shall be hard surfaced, well-drained and all weather stabilized (e.g., shell, marl, etc.).
- (4) *Road curves; cul-de-sacs.* All road curves shall have a minimum turning radius of fifty (50) feet. All cul-de-sacs shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.
- (5) *Parking.* Each recreational vehicle site shall have off-street parking pads for both recreational vehicle and towing vehicles. The pads shall be composed of marl, shell, paving or other stabilized material. The remainder of each recreational vehicle site shall be well-drained, grassed and landscaped.

(D) *On-site buffer strips.*

- (1) There shall be a suitable landscaped perimeter buffer strip not less than twenty-five (25) feet in depth between recreational vehicle sites and all public streets abutting the recreational vehicle park, and a landscaped buffer strip of not less than fifteen (15) feet in depth between recreational vehicle sites and

all other boundaries of the park. Within all buffer strips (except waterfront) there shall be a plant or structural screen which shall be semi-opaque and at least six (6) feet high and shall extend the length of the buffer strip except for street openings. Newly planted screens shall meet the height and opaqueness requirements within twelve (12) months of planting. The landscaped buffer strip shall be separate from recreational areas, streets, recreational vehicle sites and utility sites, but may be utilized for drainage purposes and two (2) identification signs.

- (2) No camper sites, tents, camper storage area, service building, recreation facility or structures comprising part of the internal operation of a recreational vehicle park shall be located within a distance of fifty (50) feet from the external boundary of any district or area zoned for residential purposes by the City of Rockledge, City of Cocoa, Brevard County, or other zoning authority, it being the purpose of this provision to require a buffer strip at least fifty (50) feet wide between the external boundary of any residential district of any zoning authority, and any camper site or operational facility of a recreational vehicle park.
- (E) *Recreational areas.* A minimum of ten (10) percent of the total land area of a recreational vehicle park shall be devoted to one or more common use areas for recreational activity. Such recreational areas shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way and storage areas; however, the periphery of such recreational areas may contain utility sites, and other nonrecreational service buildings, the area of which will be subtracted from the computed "recreational area." Recreational areas shall be easily accessible to all park users and management. The required space for recreational usage may be met through more than one recreational site, provided the site plan of the recreational vehicle park, including recreational area, is first approved pursuant to the provisions of this Code. Provision for all common open space and the construction of recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the construction of individual recreational vehicle sites.
- (F) *Tent camping.* Areas may be set aside for tent camping in accordance with all provisions of this section, except:
- (1) There shall be a stabilized pad on the site for parking of the transportation vehicle.
 - (2) Tent camping may be permitted on a recreational vehicle site.
- (G) *Design requirements for sites.*
- (1) *Minimum size.* Back-in parking sites shall have a minimum area of fifteen hundred (1500) square feet. Drive-through parking sites shall have a minimum area of twelve hundred (1200) square feet.
 - (2) *Access.* Each recreational vehicle site shall abut on at least one street within the boundaries of the recreational vehicle park and access to the site shall be only from such an internal street.
 - (3) *Setback requirements.* No part of a recreational vehicle placed on a recreational vehicle site shall be closer than five (5) feet to any site line and ten (10) feet to any street.
 - (4) *Appurtenances.* Temporary appurtenances, such as cabanas and awnings, may be erected on a recreational vehicle site as long as such appurtenances do not violate the setback requirements as set forth in this section and as long as such appurtenances are capable of being dismantled and stored within four (4) hours. Vinyl window inserts may be used on the inside of screen rooms, using vinyl windows will not constitute a Florida Room, which requires additional electrical outlet restrictions.
- (H) *Operation generally.*
- (1) *Responsibilities of management.* The owner of a recreational vehicle park or the park management shall at all times maintain the park and its facilities in a clean, orderly and sanitary condition. The park

management shall inform all park occupants of the provisions of this section and other related ordinances and statutes, and of their responsibilities thereunder.

- (2) *Length of occupancy.* No owner or operator of any recreational vehicle park in the City of Rockledge shall allow or permit any guest sites in such recreational vehicle park to be rented to nor occupied by any person or recreational vehicle for any period of time that would permit or allow such person or recreational vehicle to remain at such recreational vehicle park for more than one hundred eighty (180) days in any twelve (12) consecutive month period.
 - (3) *Register of occupants.* The owner or operator of any recreational vehicle park in the City of Rockledge shall file with the Rockledge Building Department quarter-annually a report showing the dates of arrival and departure and the guest sites occupied by each guest at the recreational vehicle park during the preceding calendar quarter. Such reports shall be filed not later than April 15th, July 15th, October 15th and January 15th for the immediately preceding calendar quarter
 - (4) *Evacuation.* It shall be the responsibility of the park management to notify all park occupants of the need to evacuate the recreational vehicle park in case of fire, wind, water or other manmade disasters or acts of God.
 - (I) *Service buildings to comply with other codes.* All service buildings shall comply with the building codes and regulations as adopted by the city concerning buildings, electrical installations, plumbing and sanitation systems.
 - (J) *Water supply.* An adequate supply of water shall be provided in accordance with the state sanitary code and the city ordinances. A minimum of one potable water supply outlet shall be provided for every two (2) recreational vehicle sites. Each recreational area and bathhouse restroom facility shall have at least one approved drinking fountain in close proximity.
 - (K) *Sewage disposal generally.* All sewage disposal facilities shall be provided in accordance with the state sanitary code and the city ordinances.
 - (L) *Sanitary dumping stations.* At least one sanitary dumping station shall be provided in every recreational vehicle park. Such station shall be readily accessible and well lighted. The following schedule shall be used in determining additional dumping stations based on the number of sites which are not connected individually to sewer lines: For every fifty (50) sites or fractional part thereof, beyond the first fifty (50) sites, one sanitary dumping station shall be provided.
 - (M) *Bathhouse-restroom facilities.*
 - (1) At least one central bathhouse-restroom building shall be provided for every recreational vehicle park. Facilities shall be provided according to the total number of spaces within the park.
 - (2) A bathhouse-restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers).
 - (3) Any dispersed bathhouse-restroom facility provided to meet the distance requirement of three hundred (300) feet shall have at least two (2) of each of the following fixtures for men and women: Toilets, urinals, lavatories and showers.
 - (4) Recreational areas shall be located within three hundred (300) feet of a bathhouse-restroom facility.
 - (5) The following schedule indicates the minimum number of bath and toilet facilities required based upon the total number of spaces within the recreational vehicle park:
-

Number of Spaces	Toilets		Urinals	Lavatories		Showers		Laundry Sinks
	M	W	M	M	W	M	W	
1—15	1	1	1	1	1	1	1	2
16—30	1	2	1	2	2	1	1	2
31—45	2	2	1	3	3	1	1	2
46—60	2	3	2	3	3	2	2	2
61—80	3	4	2	4	4	2	2	2
81—100	3	4	2	4	4	3	3	2

(6) For recreational vehicle parks having more than one hundred (100) recreational vehicle spaces there shall be provided:

One additional toilet and lavatory for each sex per additional thirty (30) recreational vehicle spaces.

One additional shower for each sex per each additional forty (40) recreational vehicle spaces.

One additional men's urinal per each additional one hundred (100) recreational vehicle spaces.

(N) *Lighting.* All entrances, exits, streets and service buildings shall be well lighted during the hours of darkness. Street lighting may be overhead or low level but must be shaded and reflected into the street and should be of low intensity. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to insure the safety of all users of such facilities.

(O) *Electricity.* Each recreational vehicle site shall be equipped with at least a 110/115 volt, 20 amp three-wire grounded weather-proof receptacle mounted on a three (3) foot high post. Separate PVC Type A conduit for each circuit shall be run underground to each site from a central circuit breaker panel. The conduit shall be buried at least eighteen (18) inches deep. The individual breakers in the panel shall be 20 amp. The conductors and ground shall be Type TW and sized so the load imposed on each conductor is 20 amps or less. Maximum run shall be one hundred (100) feet for #10 wire, two hundred (200) feet for #8 wire, and three hundred (300) feet for #6 wire. Rigid metal conduit shall be used where any service wire comes out of the ground to receptacle. (EMT not permitted.)

(P) *Service and utility lines.* All service and utility lines in a recreational vehicle park shall be installed underground and at a minimum depth of eighteen (18) inches.

(Q) *Refuse handling.* Each recreational vehicle site shall be provided with at least one flytight, watertight,

rodentproof container of a capacity not less than four (4) gallons and not more than thirty (30) gallons. However, this is not required when sites are within two hundred (200) feet of a large covered trash receptacle (e.g., Dempster Dumpster). All refuse shall be collected at least twice weekly and where public or private collection service is not available, the owner or operator of the recreational vehicle park shall dispose of the refuse by transporting it to a disposal site approved by the city. All refuse shall be collected and transported in covered vehicles or covered containers.

- (R) *Insect and rodent control.* Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements and regulations of the city and the sanitary code of the state. Adequate drainage systems will be provided and maintained in such a manner as to prevent the breeding of mosquitoes and other obnoxious insects in the park.
- (S) *Fire protection and prevention.* The recreational vehicle park shall be subject to the rules and regulations of the fire department. Fires shall be made only in stoves, fireplaces and other equipment as permitted by the fire department.
- (T) *Fuel supply and storage.* All installations and tanks furnishing or storing any type of gaseous fuels to be used by the occupants of the recreational vehicle park shall comply with the rules and regulations of the city.
- (U) *Storage of recreational vehicles.* Outdoor storage of recreational vehicle is permitted provided that such storage takes place within an area especially set aside for such use.
- (V) *Signs.* Those signs necessary for directional or safety purposes are permitted. Two (2) identification signs are permitted within the buffer area, and shall be set back not less than fifteen (15) feet from the public road right-of-way and shall not exceed sixty (60) square feet in size. The lighting of all signs shall be shaded and directed away from roads and adjoining property.
- (W) *Animal control.* It shall be the responsibility of the park manager to insure that no owner or person in charge of an animal shall permit said animal to run at large or to commit any nuisance within the limits of any recreational vehicle park.

(Ord. No. 1082-94, § 1, 6-15-94)

62.95.1. - Setbacks and buffers.

Setbacks and buffers shall be in accordance with the requirements of this Code.

(Ord. No. 1082-94, § 1, 6-15-94)

62.96. - Special requirements.

- (a) *Dumpster visual barrier.* See Section 57.58 of this Code.
- (b) *Signs.* Signs shall be allowed in the RVP district only as specifically permitted by the provisions of Section 86.00 of this Code.

(Ord. No. 1082-94, § 1, 6-15-94)

62.97. - Permit required.

- A. *Use and occupancy permit required; application; fee.* It shall be unlawful for any person to operate a

recreational vehicle park within the city without first obtaining a use and occupancy permit, in the name of such person, to operate the specific park. Such permit shall be issued annually by the city clerk. All applications for permits shall be made to the city clerk who shall issue a license upon compliance by the applicant with provisions of this section and regulations stated herein and other applicable legal requirements. Application for original approval shall be made in writing, accompanied by a filing fee of thirty-five dollars (\$35.00) and shall contain:

- (1) The name and address of the applicant and owner of the property involved.
 - (2) The location and legal description of the recreational vehicle park area.
 - (3) A site plan of the recreational vehicle area showing all lots, spaces, structures, roads, walkways, sanitary stations and other information as outlined in this section.
- B. *Renewal of permits.* Application for renewals of permits shall be made in writing by the holders of the permits, shall be accompanied by a filing fee of fifty cents (\$0.50) per lot or twenty dollars (\$20.00), whichever shall be greater, and shall contain any change in the information submitted since the original permit was issued or the latest renewal granted.
- C. *Permit revocation.* Whenever the building official, upon inspection of a recreational vehicle park, finds that conditions or practices exist which are in violation of any applicable provision of this Code, he shall furnish the permittee with a list of violations that said inspection shall reveal, and give the permittee written notice of a specific reasonable time in which to remedy said violations. Failure of the permittee to remedy said violations within said specific time shall result in the revocation of the permit. Said permit shall be reissued only if said violations shall have been remedied to comply with the requirements of this section. The users of the recreational vehicle park shall have two (2) days from the date of said revocation in which to vacate said recreational vehicle park. The permittee shall be granted a hearing on such revocation before the city council provided a request is made by said applicant within thirty (30) days after said revocation.

(Ord. No. 1082-94, § 1, 6-15-94)

62.98. - Violations and penalties.

Any person violating any provision of this section shall be guilty of an offense against the City of Rockledge and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days, or both such fine and imprisonment. In addition to the punishment hereinabove authorized, the provisions of this section may be enforced through the powers and authority of the Rockledge Code Enforcement Board, as authorized by Florida Statutes and Rockledge city ordinances, or by suit for prohibitory or mandatory injunctive relief, or by any other lawful remedy existing at law or in equity for the enforcement for the municipal ordinances. The penalty provisions of this section shall be in addition to the recreational vehicle park permit revocation provisions provided for elsewhere in this Code.

(Ord. No. 1082-94, § 1, 6-15-94)

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 10 Old Business

Meeting Date: March 10, 2021

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

SUBJECT: Request by PZ Board Chair, Abare to create a Check lists for Subdivisions was suggested to Ms. Lisa Morrell, Interim TM (ITM)

BACKGROUND/HISTORY:

There was a previous request to create a Check List for Subdivision submittals. This was discussed at a previous meeting and Ms. Lisa Morrell; Interim TM created the check list to present to the PZ Board for discussion.

ATTACHMENTS:

- Check List create by Ms. Lisa Morrell, ITM for Subdivisions

ACTION OPTIONS:

Discussion

Old Business
Request by PZ Board

**Check lists provided
for Subdivisions**

**Presented by Ms. Lisa
Morrell Interim Town
Manager**

Town of Malabar Code of Ordinances

Land Development Code (LDC), Article XVI. Subdivision Administration and Procedures, Section 1.16.4 Subdivision Procedures

Section A. Pre-Application Conference

Town Schedules Pre-Application Conference

Town provides applicant the subdivision plat requirements. Refer to LDC Code 1-16.4, Section A, Item(s) 3 & 4

Applicant Remits Subdivision Pre-Application Conference Fee Per Rate Resolution Adopted by Council, 02-2020 \$1500

Applicant and Town review the conceptual plan providing 5 Copies of the Proposed Subdivision Plat.

Post Confernece

Town presents Proposed Subdivision Concept Plan to P&Z

P&Z review and reccomendation to Town Council for Conceptional Approval or Denial

Town Council Review of Conceptual Subdivision Plat

Applicant has 90 days to submit formal preliminary subdivision plat following conceptual determination of Town Council

Section B. Preliminary Plat Submittal

Applicant Remits Subdivision Preliminary Plat Review Fee Per Rate Resolution Adopted by Council, 02-2020 \$1500

Application Due Last Friday of any Month preceding a regulary scheduled P&Z Meeting

Town provides number of copies required for submittal. (min. 7)

Town provides applicant the subdivision preliminary plat requirements. Refer to LDC Code 1-16.4, Section B, Item(s) 3-8.

Town Staff reviews submittal for completion, may reject incomplete applications.

Section C. Preliminary Plat Procedures

Applicant retains services of a civil engineer and/or land surveyor registered in Florida to prepare a preliminary plat of the proposed subdivision.

The plat shall be clearly and legibly drawn or reproduced at a scale no smaller than one (1) inch equals two hundred (200) feet (1" = 200') and shall include the following information. Refer to LDC Code 1-16.4, Section C, Number 1, Item(s) a-q.

Required Supplemental Information. Includes LDC Article XVI Section 1-16.4, Item C, Number 2, Item(s) a-k.

Engineering Exhibits. Includes LDC Article XVI Section 1-16.4, Item C, Number 3, Item(s) a-e.

Town Clerk Filing Fee for Preliminary Plat Per Resolution

Preliminary Plat Review By Town Building Official, Town Consultants, Tand Town Staff within a time period determined by resolution of the Town Council.

Town Staff provides written notices for corrections, revisions, and or approvals to the pre-plat submittal and completed review. Failed responses by the Applicant are referred to P&Z Board Meeting and Agenda.

Subsequent to receiving a staff recommendation, the applicant shall be scheduled for the next available regular public meeting of the Planning and Zoning Board.

Upon completion of the review by the Planning and Zoning Board, the preliminary plat of a subdivision shall be reviewed by the Town Council.

As part of the review, the Town Council shall hold a public hearing at which time comments of the applicant, the staff and the public may be heard. A minimum of fourteen (14) days' written notice of the public hearing before the Town Council shall be given to the applicant, and public notice of the hearing shall be published in a newspaper of general circulation in the county not less than seven days prior to the date of such hearing.

A Development of Regional Impact (DRI) as defined by F.S. § 380.06, requires an additional public hearing.

Approval of the preliminary plat shall authorize the subdivider to exercise either of the following options prior to submitting the final plat: Construct Improvements Prior to Final Plat Recording or Record Final Plat Prior to Constructing Improvements.

Engineering Plans. Following approval of the preliminary plat and prior to construction and/or final platting of a subdivision, five sets of final engineering plans shall be submitted to the Town for review. Engineering plans shall be approved by the Town prior to the construction phase or prior to final plat approval of a bonded project. Includes LDC Article XVI Section 1-16.4, Item C, Number 6, Item(s) a-h.

Concurrency, Outside Agency Permits and Off-Site Easements. Following approval of the preliminary plat and prior to construction or prior to bonding for the final plat, the subdivider shall submit proof of concurrency for capacity of all applicable facilities. Temporary Structures - Construction Trailers - Subdivision preliminary plats showing temporary structures or permanent structures having a temporary use shall be reviewed by the Town staff within eighteen (18) months from the last approval date.

D. Final Plat Procedures

Fee for Final Plat. Upon filing application for final plat approval, the applicant shall pay to the Town of Malabar a processing fee

Final Plat Submission. The subdivider shall be required to submit a final plat package a minimum of fifteen (15) days prior to a regularly scheduled meeting of the Planning and Zoning Board.

Content of Final Plat. The final plat shall be drawn or printed on 24 inch × 36 inch linen, chronoflex, mylar or other approved material. The final plat shall be prepared by a Florida Registered Engineer and is to be clearly and legibly drawn with black permanent drawing ink or veritype process to a scale of not smaller than 1 inch = 200 feet, or as otherwise determined by the Town. The final plat shall be prepared in accordance with the provisions of F.S. Ch. 177, as amended, and shall conform to the following requirements of **LDC Code Article XVI, Section 1-16.4.D.4.a-m**

Timing of Improvements and/or Posting of Surety. The developer provides statement indicating whether the required improvements are to be constructed prior to the recording of the plat or after recording under guarantees posted with the Town as provided for in this Ordinance.

Schedule of Development Phases. The applicant may schedule proposed development phases within any proposed subdivision.

Time Restriction on Development. The applicant may not apply for final plat approval on any portion of the approved preliminary plat which he does not propose to record and develop within the following eighteen (18) months.

Submission of Final Plat. Upon completion of the foregoing requirements, four (4) prints of the final plat and two (2) reproducible mylars of the final plat shall be submitted to the Town Clerk and be accompanied by the following: **LDC Code Article XVI, Section 1-16.4.G.a-g**

Final Plat Recording Requirements. **LDC Code Article XVI, Section 1-16.4.H.1 and 2.**



Town Of Malabar
Code of Ordinances Land Development Code (LDC)
Article XVI, Section 1- 16.4 Subdivision Procedures
Mandatory Pre-Application Checklist

Subdivision Pre-Application Conference (Mandatory)	Date of Submittal:	Initials:	Scheduled Completion Date:
Town Schedules Pre-Application Conference - Discuss, informally, preliminary studies and sketches			
Town provides applicant the subdivision plat requirements.			
The purpose of the pre-application conference is to discuss basic concepts, the layout of the project, location of utilities, traffic considerations, any potential problems with the site, tree preservation and landscaping, wetlands and plans for preservation or mitigation, habitat of endangered and threatened vegetative and/or wildlife species, and any questions the applicant may have concerning the site, the requirements for subdivision plat submittal, or the preliminary plat requirements. Following the conference, the applicant should be sufficiently prepared to submit a detailed preliminary plat which will be functional, adequately address all issues and requirements of the pre-application conference, and comply with the preliminary plat requirements.			
The applicant shall have available five copies of the proposed subdivision plat at the pre-application conference. The proposed plat shall be legible and shall contain sufficient detail for the Town staff to provide input to the applicant. The sheets comprising the subdivision plat are not required to be signed and sealed for the pre-application conference. At a minimum, the following exhibits shall be required at the pre-application conference:			
a. A location map showing the relationship of the proposed subdivision to existing and proposed streets and other community facilities and the total ownership of the subdivider in that vicinity.			
b. General information on existing site conditions and physical characteristics, adjacent community facilities and public utilities, and surrounding property conditions.			
c. A general description of the proposed subdivision, including proposed number of lots and lot widths and depths.			
d. A drawing showing the proposed pattern of streets, lots, and stormwater conveyance, retention/detention and treatment facilities in relation to existing conditions of the site and its surroundings.			
e. The general type of vegetation existing on the site, including major trees and tree clusters, soil types, and the location and characteristics of wetlands, if present.			
Applicant Remits Subdivision Pre-Application Conference Fee Per Rate Resolution Adopted by Council			
Applicant and Town review the conceptual plan providing 5 Copies of the Proposed Subdivision Plat.			



Town Of Malabar
Code of Ordinances Land Development Code (LDC)
Article XVI, Section 1- 16.4 Subdivision Procedures
Mandatory Pre-Application Checklist

Post Conferenece			
Town Presents Proposed Subdivision Concept Plan to P&Z			
P&Z review and reccomendation to Town Council for Conceptional Approval or Denial			
Town Council Review of Conceptual Subdivision Plat			
Applicant has 90 days to submit formal prelimindary subdivision plat following conceptual determination of Town Council			



Town Of Malabar Code of Ordinances
Land Development Code (LDC)
Article XVI, Section 1- 16.4 Subdivision Procedures
Preliminary Plat Submittal Checklist

<u>Subdivision Preliminary Plat Submittal Requirements</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
An application for preliminary plat review of a subdivision shall be filed with the Town no later than the last Friday of any month preceding a regularly scheduled planning and zoning meeting. The number of required copies of the preliminary plat as determined by the Town staff shall be submitted to the Town staff at the time of application. (min. 7)			
A fee as determined by resolution of the Town Council shall accompany each application for preliminary plat review.			
Town provides applicant the subdivision preliminary plat requirements:			
Two (2) signed and sealed certified surveys, not more than one (1) year old, by a land surveyor registered and licensed in the state shall be submitted for the property which is the subject of the preliminary plat application and, if applicable, any area encompassing off-site improvements. The survey shall be at a scale of one (1) inch equals not more than one hundred (100) feet and shall be submitted on sheets not more than twenty-four (24) inches by thirty-six (36) inches.			
For those sites which have existing trees, the applicant shall provide a tree survey in accordance with Article XV			
An affidavit or other document approved by the Town shall be submitted by the owner of the subject property or by the owner's agent making application for preliminary plat approval.			
An eight and one-half (8½) inch by eleven (11) inch transparency of the preliminary plat shall be submitted.			
Town Staff reviews submittal for completion.			
Failure by an applicant to submit a preliminary plat meeting all submittal requirements as set forth in this chapter shall be grounds for the Town staff to reject the preliminary plat application.			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Preliminary Plat Procedure Checklist**

<u>Subdivision Preliminary Plat Procedure</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
Applicant retains services of a civil engineer and/or land surveyor registered in Florida to prepare a preliminary plat of the proposed subdivision.			
Preparation of Preliminary Plat. The plat shall be clearly and legibly drawn or reproduced at a scale no smaller than one (1) inch equals two hundred (200) feet (1" = 200') and shall include the following information. Refer to LDC Code 1-16.4, Section C, Number 1, Item(s) a-q.			
a. Name of subdivision or identifying title which shall not duplicate or closely approximate the name of any other subdivision in the incorporated area of the Town.			
b. A vicinity sketch at a scale no smaller than one inch = two thousand feet (1" = 2,000 ft.), showing the location of the boundary lines and distance of the land proposed for subdivision in reference to other areas of the Town. The section, township, and range of the site and the legal description of the site shall also be included. Total project acreage and current zoning shall be included.			
c. North arrow graphic scale, and date of preparation. The scale shall be approved by the Town, but in no case shall such scale be smaller than one (1) inch to two hundred (200) feet.			
d. Name, address and telephone number of the applicant, owner of record, mortgage holder or any other person having a legal equitable or beneficial interest in the land together with a statement from such owners, or others having an interest in the land that they will join in the dedication of the proposed subdivision.			
e. The name, business address, and registration number of the engineer and/or surveyor responsible for the plan, plat and supporting data.			
f. The names of adjacent subdivisions, if any, and plat book and page reference, together with the names of owners of record having an interest in such adjacent acreage.			
g. A contour map showing ground elevations at intervals of not more than one (1) foot, based on United States Coastal and Geodetic Survey datum, of the area to be subdivided and of a perimeter strip at least fifty (50) feet and up to one hundred and fifty (150) feet in width around the area as required by the Town. Topographical conditions on the subject subdivision including all the existing water courses, drainage ditches and bodies of water, marshes and other significant, natural or man-made features.			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Preliminary Plat Procedure Checklist**

<u>Subdivision Preliminary Plat Procedure</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
h. The name, alignment, and width of all existing and proposed streets, alleys, rights-of-way, or easements, adjacent to, or within three hundred (300) feet of the tract including name, right-of-way width, street or pavement width and established centerline elevation. Existing streets shall be dimensioned to the tract boundary.			
i. All existing and proposed property lines, easements and rights-of-way, their purpose, their effect on the property to be subdivided, and the proposed layout of lots and blocks.			
j. Access points to collector and arterial streets showing their compliance to the access requirements established by this Ordinance.			
k. All existing drainage district facilities and their ultimate right-of-way requirements as they affect the property to be subdivided.			
i. Utilities such as telephone, power, water, sewer, gas, etc., on or in the vicinity of adjacent to the tract including existing or proposed water treatment plants and sewerage treatment plants. The preliminary plat shall contain a statement that all utilities are available and have been coordinated with all required agencies utilities.			
m. Sites proposed for parks, recreational areas, and schools.			
n. The locations of all temporary structures or permanent structures having a temporary use. Permanent structures having a temporary use shall contain a statement outlining the temporary use.			
o. If the property to be subdivided borders upon any public waters, then the applicant shall establish the mean high water line and so delineate it on the plat. The applicant shall provide a plan for stabilizing the shoreline with natural vegetative cover or other environmentally sensitive manner acceptable to the DER and the Town. The zone of transition along the shoreline shall also be designated together with plans for preserving native indigenous plant communities within the zone of transition.			
p. The preliminary plat shall include a mathematically closed boundary. Permanent reference monuments shall be shown and subsequently installed at all block corners, and at all points of reverse or compound curvature, and at all points of tangency occurring within block limiting lines.			
q. Block perimeters returns at block corners or other block line intersections shall be stated in terms of tangent distances of five (5) foot intervals, with a minimum tangent distance of twenty (20) feet.			
Required Supplemental Information. The following information shall be submitted with the preliminary plat:			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Preliminary Plat Procedure Checklist**

<u>Subdivision Preliminary Plat Procedure</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
a. Existing Land Use Policy and Proposed Policy Changes. Submit existing comprehensive plan designation and zoning classification of the property in question. Any proposed change in such classifications shall be made known to reviewing bodies by presenting proof indicating that any required applications and fees for attaining such policy changes have been submitted.			
b. On Site Wastewater Disposal Data. When a public sewage disposal system is not available, the suitability of the soil to support on site disposal shall be determined by the Brevard County branch of the Florida State Division of Environmental Health and a report of its findings shall be submitted to all reviewing bodies.			
c. Surface Water Management Plan. A master storm water management plan outlining the primary and secondary drainage facilities needed for the proper development of the subdivision, shall be submitted as part of the subdivision application.			
d. Traffic Impact Analysis. A subdivision application shall contain a traffic impact analysis pursuant to Section 1-10.2(D) [1-7.2(D)] if the subdivision generates sufficient traffic on the threshold identified in Section 1-7.2(D). The traffic impact analysis shall be prepared by a professional engineer and shall be used to determine the number of lanes and capacity of the street system proposed or affected by the development and the phasing of improvements.			
e. Required Park Land and/or Facility Improvements. All preliminary plats shall comply with the park land and recreation facility standards of Section 1-17.1(H).			
f. Required Potable Water Improvements. All preliminary plats shall comply with the potable water supply and improvement requirements of Section 1-17.1(O) and 1-7.2(I) [1-7.2(H)].			
g. Required Wastewater Improvements. All preliminary plats shall comply with the wastewater improvement requirements of Section 1-17.1(P) and 1-7.2(I).			
h. Required Wetlands Protection. The preliminary plan shall comply with all requirements for wetlands protection in Section 1-7.2(G).			
i. Erosion and Sedimentation Control Improvements. All preliminary plats shall comply with the erosion and sedimentation control requirements of Section 1-17.1 and standards contained in Section 1-7.2(K) [1-7.2(J)].			
j. Reference to Required Specifications. Specifications for all required improvements, as they are to be incorporated, shall be submitted and shall be subject to the standards set forth in Section 1-17.2 herein.			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Preliminary Plat Procedure Checklist**

Subdivision Preliminary Plat Procedure	Date of Submittal:	Initials:	Scheduled Completion Date:
k. Schedule of Multiple Phases if Appropriate. If the proposed subdivision is of such size that its development will be undertaken in increments, those increments and their order shall be indicated. Where increments of high elevations are undertaken before those of lower elevation, ultimate storm water disposal courses in the lower increments must be concurrently developed.			
Engineering Exhibits. Includes LDC Article XVI Section 1-16.4, Item C, Number 3, Item(s) a-e.			
a. The location of existing and platted property lines, streets, buildings watercourses, transmission lines, sewers, bridges, culverts and stormwater facilities, water mains, Town boundary lines, and public utility easements.			
b. Wooded areas, streams, lakes, marshes, and any other physical conditions affecting the site including individual trees as defined in Article XV.			
c. If applicable, the location and characteristics of any wetlands present on the subject property and a proposed wetland preservation and/or mitigation plan to result in no net loss of wetlands.			
d. Existing contours based on coast and geodetic data, with a contour interval of two feet, or one-foot intervals if deemed necessary by the Town.			
e. Existing ground surface elevations and proposed street elevations. Calculation of the dirt balance showing excavated spoil and its disposition and/or the volume of imported fill dirt required.			
Town Clerk Filing Fee for Preliminary Plat Per Resolution			
Preliminary Plat Review By Town Building Official, Town Consultants, and Town Staff within a time period and related fees as determined by resolution of the Town Council.			
Town Staff provides written notices for corrections, revisions, and or approvals to the pre-plat submittal and completed review. Failed responses by the Applicant are referred to P&Z Board Meeting and Agenda.			
Subsequent to receiving a staff recommendation, the applicant shall be scheduled for the next available regular public meeting of the Planning and Zoning Board.			
Upon completion of the review by the Planning and Zoning Board, the preliminary plat of a subdivision shall be reviewed by the Town Council.			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Preliminary Plat Procedure Checklist**

<u>Subdivision Preliminary Plat Procedure</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
As part of the review, the Town Council shall hold a public hearing at which time comments of the applicant, the staff and the public may be heard. A minimum of fourteen (14) days' written notice of the public hearing before the Town Council shall be given to the applicant, and public notice of the hearing shall be published in a newspaper of general circulation in the county not less than seven days prior to the date of such hearing.			
A Development of Regional Impact (DRI) as defined by F.S. § 380.06, requires an additional public hearing.			
Approval of the preliminary plat shall authorize the subdivider to exercise either of the following options prior to submitting the final plat: Construct Improvements Prior to Final Plat Recording or Record Final Plat Prior to Constructing Improvements.			
Engineering Plans:			
a. Following approval of the preliminary plat and prior to construction and/or final platting of a subdivision, five sets of final engineering plans shall be submitted to the Town for review. Engineering plans shall be approved by the Town prior to the construction phase or prior to final plat approval of a bonded project.			
b. The engineering plans shall be prepared by a professional engineer registered and licensed in the state. Each sheet of the engineering plans shall be signed by and shall bear the seal of such engineer.			
c. Each sheet of the engineering plans shall be the same size and shall be no larger than twenty-four (24) inches by thirty-six (36) inches. The sheets of the engineering plans shall be numbered consecutively and attached together.			
d. The scale of the engineering plans shall be one (1) inch equals not more than sixty (60) feet.			
e. The engineering plans shall designate the location of all water, and sewer lines within existing easements or rights-of-way held by the Town or within proposed rights-of-way or easements as depicted on the preliminary plat. The Town specifically reserves the right to designate and approve the location of water and sewer lines within such easements or rights-of-way. All proposed improvements shall conform to the Town specifications as set forth in the Code.			
f. The following are required to be shown on the final engineering drawings:			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Preliminary Plat Procedure Checklist**

<u>Subdivision Preliminary Plat Procedure</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
1. The location of all proposed water and, sewer, facilities, both on site and off site, including size and grades, main and/or line routes, line sizes, manholes, fire hydrants, service connections, valves, laterals, force mains and lift stations. Standard details for the water and, sewer, systems, including type of pipe, service connections, manholes, fire hydrants, force mains and lift stations, shall be provided. The water system shall be sized so as to provide adequate fire protection in compliance with the recommendations of the National Fire Protection Association.			
2. A surface and stormwater drainage system, including location and elevation of all structures and culverts with sizes and grades and typical cross sections of drainage facilities, canals, and waterways.			
3. Sidewalks, including location, elevations, and typical cross sections.			
4. Streets, including plan and profile views, typical cross sections of proposed grading, and pavement and curbing details with compaction under pavement.			
5. Bulkheads, if applicable.			
6. If deemed necessary by the Town, subsurface conditions of the parcel, including the location and results of tests performed to ascertain the conditions of subsurface soil, rock, and groundwater, and the existing depth to groundwater.			
7. The location of stormwater retention/detention facilities with sizes, grades, and cross sections and stormwater retention/detention calculations utilizing the applicable permitting agency's requirements. The proposed facilities shall show the effect, if any on the Town's existing conveyance system and structures.			
8. Lot grading plan. Showing no runoff to abutting properties.			
9. Cross sections showing the proposed layout for all private utilities which hold franchise agreements with the Town, including electric, telephone, gas, and cable television.			
10. Location of all traffic control devices, markers, and required signs, including stop signs, traffic signals, crosswalks, street signs, and the like.			
g. The Town staff shall review the engineering plans and shall provide written comments to the applicant regarding compliance with code requirements and the technical aspects of the plans.			
h. If changes to the plans are required, five (5) sets of revised plans shall be submitted to the Town. In addition to the revised plans, the applicant shall submit written responses to the Town staff's review comments.			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Preliminary Plat Procedure Checklist**

<u>Subdivision Preliminary Plat Procedure</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
Concurrency, Outside Agency Permits and Off-Site Easements. Following approval of the preliminary plat and prior to construction or prior to bonding for the final plat, the subdivider shall submit proof of concurrency for capacity of all applicable facilities.			
a. Following approval of the preliminary plat and prior to construction or prior to bonding for the final plat, the subdivider shall submit proof of concurrency for capacity of all applicable facilities.			
b. Following approval of the preliminary plat and prior to construction or prior to bonding for the final plat, the subdivider shall submit copies of all required outside agency permits and recorded copies of any off-site easements which may be required for construction.			
c. No permit for improvements shall be issued or construction allowed within a subdivision and no bonding shall be accepted for a subdivision unless and until all documents and permits required by this section have been submitted to and accepted by the Town.			
Temporary Structures - Construction Trailers - Subdivision preliminary plats showing temporary structures or permanent structures having a temporary use shall be reviewed by the Town staff within eighteen (18) months from the last approval date.			



**Town Of Malabar Code of Ordinances
Land Development Code (LDC) Article XVI,
Section 1- 16.4 Subdivision Procedures
Final Plat Procedure Checklist**

<u>Subdivision - Final Plat Procedure</u>	Date of Submittal:	Initials:	Scheduled Completion Date:
D. Final Plat Procedures: As the final step in the review procedure for obtaining approval of a subdivision in the Town of Malabar, the developer shall have prepared and shall submit a final plat. No final plat shall be recorded until the required improvements have been installed or surety bond posted pursuant to Section 1-16.4.D.5.d.4. and 1-16.4.D.5.e. No such required improvements including streets, drainage and other required facilities shall be accepted and maintained by the Town, unless and until the same have been duly inspected and approved by the Town Staff, and have also been approved and accepted for maintenance by the Town Council. Prior to acceptance and approval of the required improvements the final plat shall be approved by the Town surveyor, Town Engineer and the Town Council and it shall be duly recorded by the Clerk of the Circuit Court who shall record only those final plats which have been so approved in accordance with this Ordinance.			
Fee for Final Plat. Upon filing application for final plat approval, the applicant shall pay to the Town of Malabar a processing fee			
Final Plat Submission. The subdivider shall be required to submit a final plat package a minimum of fifteen (15) days prior to a regularly scheduled meeting of the Planning and Zoning Board.			
Content of Final Plat. The final plat shall be drawn or printed on 24 inch x 36 inch linen, chronoflex, mylar or other approved material. The final plat shall be prepared by a Florida Registered Engineer and is to be clearly and legibly drawn with black permanent drawing ink or veritype process to a scale of not smaller than 1 inch = 200 feet, or as otherwise determined by the Town. The final plat shall be prepared in accordance with the provisions of F.S. Ch. 177, as amended, and shall conform to the following requirements:			
a. Name of Subdivision.			
b. Title Block.			
c. Legal Description.			
d. Index Sheet. If more than one (1) sheet is required for the map, the plat shall contain an index sheet on Page 1, showing the entire subdivision on the sheet indexing the area shown on each succeeding sheet and each sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision.			
e. Required Survey Data. The final plat shall fully comply with F.S. Ch. 177, and shall show the length of all arcs together with central angles, radii, and points of curvature.			



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i. The scale, both stated and graphically illustrated, on each sheet.			
ii. A north arrow shall be drawn on every sheet including showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face or first page of the plat in the notes or legend.			
iii. The point of beginning shall be boldly shown together with the letters "P.O.B." in bold letters.			
iv. All intersecting street right-of-way lines shall be joined by the long chord of minimum radius of twenty-five (25) feet and all dimensions shall be shown.			
v. All adjoining property shall be identified by a subdivision title, plat book and page or if unplatted, the land shall be so designated.			
vi. Permanent reference monuments (P.R.M.) and permanent control points (P.C.P.) shall be shown in the manner prescribed by F.S. Ch. 177, as amended, and shall be installed prior to submission of the final plat.			
vii. There shall be reserved on each sheet of the plat a three-inch by five-inch space in the upper right-hand corner to be used by the Clerk of the Circuit Court for recording information and each sheet shall reserve three (3) inches on the left margin and a half inch margin on all remaining sides.			
viii. The map shall mathematically close within 0.01 feet and shall be accurately tied to all, township, range and section lines occurring within the subdivision by distance and bearing. In addition, the initial point in the description shall be accurately tied to the nearest quarter section corner or section corner or government corner.			
ix. The cover sheet or first page of the plan shall show a vicinity sketch, showing the subdivision's location in reference to other areas of the Town or abutting unincorporated areas.			
f. Lot and Block Identification. Each lot and block shall be numbered or lettered. All lots shall be numbered in each block by progressive numbers individually throughout the subdivision in a clockwise direction starting at the northwest corner of each block of the subdivision. Blocks in each incremental plat shall be lettered consecutively throughout a subdivision in a clockwise direction starting at the northwesternmost corner of the subdivision.			



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<p>g. Street Names. The plat shall contain the name of each street shown on the plat. Proposed streets which are in alignment with other existing and named streets shall bear the same name of the existing street. In no case, except as indicated in the preceding sentence, shall the name of the proposed street, excluding a numerical system, duplicate or be phonetically similar to existing street names, regardless of the use of the suffix street, avenue, boulevard, drive, place, court, or similar suffix. All proposed street names must be approved by the Brevard County, E 9-11 Department prior to final plat</p>			
<p>h. Not-included Parcels. "Not-included" or "excepted" parcels must be marked "not part of this plat." Where a not-included parcel is completely surrounded by areas included within the plat, sufficient easements or rights-of-way shall be provided for access, utilities, and drainage for the not-included parcel. No strip or parcel of land shall be reserved by the owner unless the same is sufficient in size and area to be of some particular use or service. The intended use for all reserved areas shall be shown on the plat in note form on the cover sheet.</p>			
<p>i. Rights-of-way and Easements. All right-of-way and easement widths and dimensions shall be shown on a plat. The plat shall contain a statement that "no buildings, septic tanks or any kind of construction or trees or shrubs shall be placed on easements without written approval of the Town Council."</p>			
<p>j. Restrictions, Reservations and Restrictive Covenants. Restrictions pertaining to the type and use of water supply; type and use of sanitary facilities; use and benefits of water areas, canals and other open spaces, odd-shaped and substandard parcels; restrictions controlling building lines; establishment and maintenance of buffer strips and walls; and restrictions of similar nature shall require the establishment of restrictive covenants and such covenants shall be noted on the plat. Documents pertaining to restrictive covenants shall be submitted with the final plat.</p>			



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<p>k. Private Streets and Related Facilities. All streets and their related facilities designed to serve more than one (1) property owner shall be dedicated to the public use. Notwithstanding, private streets shall be permitted within property under single ownership, a property owners' association or a condominium or cooperative association as defined by Florida Law. Where private streets are permitted, ownership and maintenance association documents shall be submitted with the final plat and the dedication contained on the plat shall clearly dedicate the roads and maintenance responsibility to the association without recourse to the Town or any other public agency. The rights-of-way and related facilities shall be identified as tracts for road purposes under specific ownership.</p>			
<p>l. Certifications and Approvals. The plat shall contain on the face or first page the following certifications and approvals, acknowledged as required by law:</p>			
<p>i. Dedications. The purpose of all reserved areas shown on the plat shall be defined in the dedication on the plat. All areas reserved for use by the residents of the subdivision as well as all areas reserved for public use, including but not limited to parks, rights-of-way for roads, streets or alleys, utility or drainage easements or rights-of-way, together with all other area lands to be used by the public or subdivision residents shall be dedicated by the owner of the land at the time the plat is recorded.</p>			
<p>ii Mortgagee's Consent and Approval. All mortgages, along with the Mortgagee's Consent and Approval of the dedication shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee or mortgagees, as the case may be, must be witnessed and the execution must be acknowledged in the same manner as mortgages are required to be witnessed and acknowledged. In case the mortgagee is a corporation, the consent and approval shall be signed in behalf of the corporation by the president or a vice president and the secretary or an assistant secretary, respectively, by and with the authority of the Board of Directors.</p>			



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<p>iii. Certification of Surveyor. The plat shall contain the signature, registration number and official seal of the land surveyor, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat compiles with all of the requirements of this Ordinance and Chapter 177, Florida Statutes, as amended. The certification shall also state that permanent reference monuments, "P.R.M.," have been set in compliance with this Ordinance and F.S. Ch. 177, as amended, and the permanent control points, "P.C.P.," will be set under the direction and supervision of the surveyor within one (1) year from the date the plat was recorded. When required improvements have been completed prior to the recording of a plat, the certification shall state the P.C.P.'s have been set in compliance with the laws of the State of Florida and Ordinances of the Town of Malabar. When plats are recorded and improvements are to be accomplished under surety posted as provided for by this Ordinance, the required improvements and surety shall include installation of P.C.P.'s.</p>			
<p>iv. Town Engineer. The plat shall contain an approval and signature block for the Town Engineer.</p>			
<p>v. Mayor and Town Clerk. The plat shall contain an approval and signature block for the Mayor and the acknowledgment and signature block of the Town Clerk. Upon adoption of an Ordinance approving the plat, the Mayor shall execute the plat and the plat shall be presented to the Clerk of the Circuit Court by the Town Clerk for recording.</p>			
<p>vi. Certification of Title. A title certificate shall be contained on the face or first page of the plat. The title certification shall state: That the lands as described and shown on the plat are in the name and apparent record title is held by the person, persons or organization executing the dedication, That the lands as described and shown on the plat are in the name and apparent record title is held by the person, persons or organization executing the dedication, That all taxes have been paid on said lands as required by F.S. Ch. 197.0151, as amended. All mortgages on the land and indicate their official record book and page number. The title certification must be an opinion of an attorney at law licensed in Florida, or the certification of an abstractor, or a title insurance company licensed in Florida.</p>			



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vii. Instrument Prepared By. The name and address of the natural person who prepared the plat or under whose supervision it was prepared shall be contained on the plat as required by F.S. Ch. 695.24, as amended. The name and address shall be in statement form consisting of the words, "This instrument was prepared by (name), (address)."			
m. Existing or Recorded Streets. The plat shall show the name, location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat, accurately tied to the boundary of the plat by bearings and distances.			
Timing of Improvements and/or Posting of Surety. The developer provides statement indicating whether the required improvements are to be constructed prior to the recording of the plat or after recording under guarantees posted with the Town as provided for in this Ordinance. *Additional Requirements - See Ordinance.			
Schedule of Development Phases. The applicant may schedule proposed development phases within any proposed subdivision.			
Submission of Final Plat. Upon completion of the foregoing requirements, four (4) prints of the final plat and two (2) reproducible mylars of the final plat shall be submitted to the Town Clerk and be accompanied by the following: LDC Code Article XVI, Section 1-16.4.G.a-g			
(a) A statement indicating whether the required improvements are to be constructed prior to recording of the plat or after recording of the plat.			
(b) A check payable to the Town of Malabar, the amount of which shall reflect the fee for final plat approval, the amount to be based on the fee schedule determined by resolution of the Town Council.			
(c) A check made payable to the Clerk of the Circuit Court of Brevard County for recording the plat in the amount established by that office.			
(d) A copy of the homeowner's association or condominium documents if applicable. Such documents shall indicate the maintenance responsibility for the required improvements and shall provide for the formation of a special taxing district to assume maintenance responsibility for the required improvements in the event of the dissolution of the condominium or			
(e) If the developer elects to construct the required improvements after recording the plat, the following shall be submitted:			
(i) A contract, executed in triplicate, between the Town and the applicant for the construction of required improvements in the form so titled and set forth in the Appendix of this Ordinance.			



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(ii) Guarantees of one hundred twenty-five (125) percent of the amount defined in Section 1-16.4 H.2.			
(f) Supplementary material designated by the Town, i.e., deeds, easements, etc., when access, drainage, or utility services cannot be accomplished through platted rights-of-way deeds or easements to accomplish access, drainage or utility service.			
(g) [Review procedures shall be as follows:]			
1. Review by Staff. The Town Engineer, Town Planner, Town Building Official and Town Administrator shall examine the final plat as to its compliance with the Ordinances of the Town of Malabar and shall in writing, within thirty (30) days, or at such other time as shall be determined by resolution of the Town Council, report their findings, recommendations or approval to the applicant. Such action shall be specified in writing.			
2. Review Procedure Where Required Improvements Constructed Prior to Recording. Upon submittal of the reproducible final plat, certification and approvals contained on the plat shall be current and the plat shall be checked as required by this article prior to presentation to the Town Council for approval.			
3. Review Procedure Where Surety Posted. In the event the developer elects to record the plat prior to completion of the required improvements under guarantees as provided for in this Ordinance, the final plat shall be presented to the Town Council by the Town Attorney accompanied by appropriate legal instruments. See Appendices for legal forms of surety.			
Upon approval by the Town Council the plat shall be submitted by the Town Clerk for recording in the Office of the Clerk of the Circuit Court.			



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Final Plat Recording Requirements. LDC Code Article XVI, Section 1-16.4.H.1
and 2.