



REGULAR TOWN COUNCIL MEETING

Monday, June 17, 2019 at 7:30 pm

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

- a. Approve Minutes

Regular Town Council Meeting Minutes of 06/03/2019

Attachments:

- Agenda report Number 1 (TownCouncilMinutes0603_2019Draft.pdf)

5. ATTORNEY REPORT
6. Presentation

Audit Report for Fiscal year 2018 by James Moore C.P.A.

7. STAFF REPORTS
 - a. Administrator
 - b. Clerk
 - c. Fire Chief

8. PUBLIC COMMENTS

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

Five (5) Minute Limit per Speaker

9. PUBLIC HEARINGS / SPECIAL ORDERS

- a. Vacate a 20' x 60' spur off of East Railroad Ave north of SR514

Resolution 09-2019

Exhibit: Agenda report Number 2

Recommendation: Action - Adopt Resolution 09-2019

Attachments:

- Agenda Report Number 2 (Agenda_Item_2.pdf)

b. Amend Future land Use map and Zoning Map for less than one acre

Ordinance 2019-07

Exhibit: Agenda report Number 3

Recommendation: Action - Approve First Reading of Ordinance 2019-07

Attachments:

- Agenda Report Number 3 (Agenda_Item_3.pdf)

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

11. ACTION ITEMS

ORDINANCES: 1

RESOLUTIONS: 2

MISCELLANEOUS: 0

a. Amend Article XIX, Sign Regulations

Ordinance 2019-06

Exhibit: Agenda Report Number 4

Recommendation: Action - Approve First Reading of Ordinance 2019-06

Attachments:

- Agenda report Number 4 (Agenda_Item_4.pdf)

b. Approve Financial Audit of Fiscal Year 2017/2018

Resolution 10-2019

Exhibit: Agenda Report Number 5

Recommendation: Action - Adopt Resolution 10-2019

Attachments:

- Agenda Report Number 5 (Agenda_Item_5.pdf)

c. Approve Taylor Lane as a New Street Name

Resolution 11-2019

Exhibit: Agenda Report Number 6

Recommendation; Action - Adopt Resolution 11-2019

Attachments:

- Agenda Report Number 6 (Agenda_Item_6.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

12. DISCUSSION/POSSIBLE ACTION

13. PUBLIC COMMENTS

General Items (Speaker Card Required)

14. REPORTS - MAYOR AND COUNCIL MEMBERS

15. ANNOUNCEMENTS

Two vacancies on the Board of Adjustments; Two vacancies on the Park and Recreation Board

16. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105).

The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

MALABAR TOWN COUNCIL REGULAR MEETING MINUTES

JUNE 03, 2019 7:30 PM

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

A. CALL TO ORDER:

Council Chair, Mayor Patrick T. Reilly called the meeting to order at 7:30 pm. CM Vail led P&P.

B. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DICK KORN
	DANNY WHITE
TOWN ADMINISTRATOR:	MATT STINNETT
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

Mayor said Fire Chief and Drew Thompson had asked to be excused.

C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:

TA asked to add two items – Petitions to remove the stop sign at Benjamin and Corey Road. Appoint Mr. Bill Barrett grant writer – like to engage him to pursue funding --- Agreed. Chair added Presentation after Attorney Report and the Petition as Item 5.

D. CONSENT AGENDA: Chair asked for a motion on the consent Agenda -

- Regular Town Council Meeting Minutes 5/20/19

MOTION: CM Rivet / CM Korn to approve the regular meeting 5/20/19 minutes as corrected. Discussion: CM Rivet to correct pg. 3, #3, sentence starting with CM Rivet – needs his statement corrected. Vote: All Ayes.

E. ATTORNEY REPORT: Told Council about lawsuit. Discussed the accident and the damaged culvert – insurance company paid damages to the Town and the Town hired CDM to make the repairs. Then in January 2017 – a visitor to the home was hurt and the Town was sued. It has been forwarded to insurance carrier. CM Korn, that is not far from his house. The visitor stepped in a hole. Those are the things that will come during process.

F. Bill Barrett: Bill Barrett, gave background of himself. For 23 years he has done grant writing and lobbyist work for many municipalities. Mostly brought in for funding. He will look at grant funding that is available. Working for stormwater. Went through list of funding projects he has worked on. Most projects are phased. Key is to have a master plan to enact it. Break it up as funding is available. Most is available for brick and mortar. Too many years of grants for studies. So there has been a change over. Once the master planning is done, the State and feds will partner for verifiable results. Figure out the planning side – on stormwater there are opportunities to partner with St. Johns to provide – they can't write a check, but they can provide the engineer.

Funding cycle- 319 grant funding cycle just closed. Meet with you individually and in a workshop meeting. He can understand the needs of the local community. He requests 10K up front and 7% on any grant they accomplished. Going forward every year. He would propose the same things. He doesn't make money unless we get grants. That is his business model. It is performance based.

CM Rivet – what is the hit range? What would he expect for a town like us. Bill has to identify exactly what the town wants to go after. CM Rivet drainage and roads. Bill said within 1-2 years, you should have money coming back to you. CM Korn asked about this. We hired a TA that was a grant writer, yet we didn't get any grants. Then we hired a grant

writer and we got no grants written. Need to have references from cities he has worked for in the past.

CM White, he would be working for others as well as us. For all contracts. He has about eight. 10K is not unreasonable if it can get some grant funding. We have two areas that we could use. A multi-use building; we have had some efforts towards that with the EELs.

The big drainage issue is the outflow. Take the major outflow north on Corey and out to Turkey Creek. Our total annual revenue is less than \$2,000,000.00.

CM Ball said we got a grant on the ADA restroom. He doesn't want to do anything with a grant if there are strings attached. We know we must pay to get results. He is still hurting over the additional 100K the fire department will need to fund the new fulltime drivers. How do we pay for this? If we get grants that are close to free. The cost share is what he has a concern with.

CM Vail – this town needs help with grants. Wants to sit down with him and council to discuss. The wheels of government turn slow. Also needs to see references. That is another key thing here as well.

TA said the direction he is looking for is to bring back at the next meeting and he feels confident that we can make this happen. At the same time, we can provide the references.

CM White said we would want Bill to attend the workshop. Bill said he would attend. Bill said there are plenty of projects but if you can't fund the match for the first and second grant it is difficult. Bill said the stacking, is just that – using grant funds for the match, but not for the first and second grant; you must have the match. F.I.N.D. offers grants but they are for uses related to the IRL

G. BCSO REPORT: was present

H. BOARD / COMMITTEE REPORTS:

Drew Thompson, Chair, T&G Com: Not Present

Eric Biennu, Chair Park & Rec Board: Not Present

Wayne Abare, Chair, P&Z Board: Not Present

H. STAFF REPORTS:

ADMINISTRATOR:

Rocky Pt erosion plans have been sent to St. Johns for permitting. The paperwork has been submitted to FDOT regarding Fern Creek. Narrowing down the scope for the SW masterplan.

PW DIRECTOR: Tom Miliore, went over the report. Did 19 roads this month. Ran big flail mower on some of the areas that were getting high. Catch basin on Reef. CM White asked about the fence at Disc Golf Park – Tom will take care of removing. CM White also said the SE corner of Atz and Corey has a steep drop off. CM Rivet asked about the magnet on Appleby. CM Korn said he has been getting a lot of complements on the work the PW Dept is doing. He wants to get the ditches on Atz and Hall cleared and get some water going. CM Vail said thanks for a good job. Tom said the body of the dump truck needs to be replaced. A lot of positive comments.

FIRE CHIEF: Excused

CLERK: Reported that the Mailboat issue is underway. In preparation of the budget workshops, I have provided Council with Table 1 and 2 from the DOR. Table 1 lists all the cities in Brevard and what their millage is. Table 2 gives the breakdown of property types for each city. In Malabar, over 50 percent of residential properties are homesteaded.

Hope to have the auditors at the next Council meeting to present the 2018 audit.

I. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker. Speaker Card: NONE.**

J. PUBLIC HEARINGS/SPECIAL ORDERS: 0

K. UNFINISHED BUSINESS/GENERAL ORDERS - 0

**L. ACTION ITEMS:
ORDINANCES FOR FIRST READING: 0
RESOLUTIONS: 0**

MISCELLANEOUS: 3

2. Set Workshop Dates for Capital Improvement Projects, Roads, Budget

Exhibit: Agenda Report No. 2

Recommendation: Action – direction to staff

Council consensus to set meeting for 6/24/19 at 7pm. Council is to bring items for priorities for discussion.

3. Proposed Sign Ordinance from P& Z Board

Exhibit: Agenda Report No. 3

Recommendation: Action – direction to staff

MOTION: CM Ball / CM Vail to direct Attorney to prepare it for first reading. **Vote:** All Ayes.

4. Appoint Voting Delegate for the FLC Annual Conference

Exhibit: Agenda Report No. 4

Recommendation: Action – Motion to Appoint

MOTION: CM Korn / CM Rivet to appoint CM White as voting delegate at the annual FLC Conference. **Vote:** All Ayes.

5. Petition to Remove Stop Sign at Benjamin and Corey Roads.

CM Korn wanted this to be discussion. Need to get sheriff involved. CM White said we should hear from the other residents. Perhaps put something in the newsletter. CM Korn said the stop sign is a traffic control device and if drivers are not obeying then we need to let BCSO know so they can do enforcement. Put on for Discussion at July 15 meeting.

Speaker: Susan Shortman, Ivey Lane. Came to an abrupt stop at that intersection. Thinks it is true for a lot of people that travel on Corey and Weber to avoid Babcock. The people new to that road are not expecting a stop sign. Maybe a stop ahead sign to alert.

M. DISCUSSION/POSSIBLE ACTION:

N. PUBLIC COMMENTS: General Items (Speaker Card Required) none

O. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Ball: it is hurricane season – put something in the next newsletter.

CM Vail: nothing

CM Rivet: nothing

CM Korn: need to establish a chain of command going into hurricane season.

CM White: wrote an article for the Mailboat. As he learned how little of the revenue actually comes from the taxpayers. The difference – we could use some help.

Mayor: nothing

P. ANNOUNCEMENTS: Openings on Bd of Adjustment and Park and Recreation Bd.

Q. ADJOURNMENT:

There being no further business to discuss and without objection, the meeting was adjourned at 8:40 PM.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

Date Approved: 6/17/2019

DRAFT

**TOWN OF MALABAR
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 2
Meeting Date: June 17, 2019**

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Vacate the platted ROW adjacent to E. Railroad Ave (Reso 09-2019)

BACKGROUND/HISTORY:

This request was heard at Planning and Zoning on June 10, 2019. Malabar Land Development Regulations require a Public Hearing at Council to consider the request and the recommendation from the P&Z Board. The request is to vacate the stem of a platted ROW running east from the platted but unimproved ROW running north/south on the eastside of the Florida East Coast railroad.

The Town Engineer has submitted a memo offering why the ROW was initially created by the subdivision owner.

The applicant owns the parcels on the other three sides of the right-of-way to be vacated. The north/south ROW along the railroad property, would not be affected by this request.

FINANCIAL IMPACT: Adds 1,200sf onto the tax roll.

ATTACHMENTS:

Resolution 09-2019

Application packet for Vacate Request

ACTION OPTIONS:

Approve Vacate and adoption of Resolution 09-2019.

TOWN OF MALABAR

MAY 16 2019

RECEIVED



TOWN OF MALABAR
2725 MALABAR ROAD
MALABAR, FLORIDA 32950-4427
3321-727-7764

PETITION FOR VACATING OF RIGHT-OF-WAY

Before completing this application, please refer to the attached.
-Petition for vacating right-of-way procedure
-Ordinance 01-06

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

Name of Applicant(s) Kellwill LLC Telephone # 321-626-1835

Mailing Address 1300 US Hwy 1 Malabar FL 32950

Reason for Request The 20' wide section of East RR Ave that runs East & West between our properties has no use to the town for any access rights. We would like to vacate this right of way to clean up the lot lines and would offer to clear 200' of East RR ave coming from the N. side of Malabar Rd. for town access upon clearing of property once developed

Fees: \$425.00, which includes advertising, administrative time, mailing and initial review by staff, Town Engineer and Town Attorney. Any additional costs shall be paid by the applicant.

William J. Larmini 5/14/19
Signature of Applicant(s) Date

TOWN OF MALABAR
PETITION TO VACATE

MAY 16 2019

RECEIVED

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

Please complete only one of the following:

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

Applicant Date

Applicant Date

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

NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____

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

William J. Carmine Date 5/14/19
Applicant Date

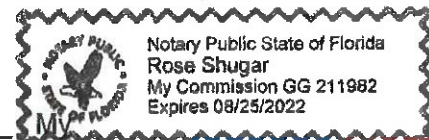
Applicant Date

Sworn and subscribed before me this 14 day of MAY, 2019.

NOTARY PUBLIC
STATE OF FLORIDA

Rose Shugar

Commission No.: GG 211982



Portion to be
VACATED

EAST
RAILROAD
NOT OPEN

EAST
RAILROAD
AVE
200.69'

CLP*

8" FIRE
WELL

6" CO

N71°

N21°00'57"W
18.56'(M)

118.76(134.48) V

FND 1/2" IRC
0.61'N, 0.06'W
FND 5/8" IRC
1.52'S

EAST
N68°26'59"E
P.O.B.

LOT 12

LOT 13

LOT 1

EAST
RAILROAD
NOT OPEN
33.5' PUBLIC
R/W

37.00'

196.86'(M)

74.6'(P)

73.4'(P)

117.6'(P)

33.50'

N22°

1.4" N, 0.25' E
FND 1/2" IRC
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FOC
MARKER

GLO

24" SFG

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TOWN OF MALABAR
MEMORANDUM

Date:	May 29, 2019	Memo: 19-CE-02
To:	Debby K. Franklin, Town Clerk	Project No.
From:	Morris Smith, Town Engineer	Variance No.:
Ref:	East Railroad Avenue – Vacating Right-of-Way Request	

I held a meeting at Town Hall with Mr. Willy Carmine, one of the managers of KELLWILL, LLC about his future plans for three (3) parcels of land that KELLWILL, LLC has purchased at the northeast corner of Malabar Road and the FECRR Right-of-Way.

Mr. Carmine stated that he was proposing to add a new driveway connection from his Route One Motor Sports facility to Malabar Road. He also stated that there is a desire to add office spaces for future use by KELLWILL, LLC.

I suggested to Mr. Carmine that he should petition the Town to Vacate the Platted Right-of-Way for East Railroad Avenue, that has an East-West alignment. Since KELLWILL, LLC is the fee simple owner of the adjacent property to the north and to the south of this Platted Right-of-Way, there would be a benefit increasing the area he could utilize for site planning activities.

I checked the plat of record and it is labeled as "*Map of Snedeker's Subdivision of the Town of Malabar*", recorded in the public records in the office of the Brevard County Clerk of the Court in Plat Book 1 at Page 97, recorded July 9th, 1912.

Based upon the plat dimensions this east-west alignment of East Railroad Avenue is approximately 116.77 feet long in the east-west measure, approximately 19 feet wide on the west end and 16 feet wide on the east end.

I thought this an odd "appendage" grafted onto the predominately north-south alignment of East Railroad Avenue.

TOWN OF MALABAR
MEMORANDUM

Mr. Carmine thanked me for this suggestion and said he would follow-up with the Request to Vacate this portion of the platted right-of-way.

After Mr. Carmine left, I spoke with the Town Clerk about my meeting with Mr. Carmine and showed her a copy of the boundary survey that had been performed on the three (3) parcels.

I stated to the Clerk that there must have been some reason unknown to us as to why the Right-of-Way would have been extended in such an unusual manner. She concurred that we may never know.

I investigated the 1943 aerial photographs that I have in my GIS archives and I feel I have found the reason. It appears, based on the building roof line and the shadow being cast to the north, there once was a very large building that this right-of-way served. Visually it appears to be at least twice the size of the depot building.

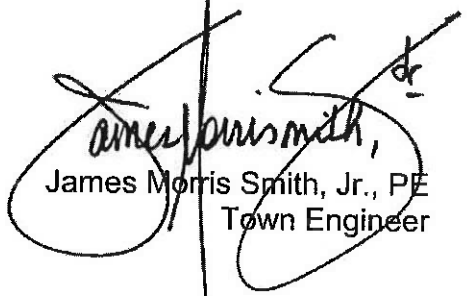
I have included an annotated view of that image.



TOWN OF MALABAR
MEMORANDUM

It is my recommendation that the Town approve Vacating the Right-of-Way of the East-West configuration of East Railroad Avenue as shown on the 1912 Plat "Map of Snedeker's Subdivision of the Town of Malabar".

Very Truly Yours,



James Morris Smith, Jr., PE
Town Engineer

RESOLUTION 9-2019

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA VACATING AND ABANDONING 20-FOOT WIDE UNIMPROVED RIGHT-OF-WAY KNOWN AS EAST RAILROAD AVENUE LYING PERPENDICULAR TO THE REMAINING EAST RAILROAD AVENUE IN SECTION 31, TWSP 28, RNG 38 WITHIN MALABAR A DISTANCE OF 60+/- FEET; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Malabar has determined to partially vacate and abandon a certain right-of-way located in the Town corporate limits. The portion of the right-of-way being abandoned is described in Section 1 of this Resolution and is hereinafter referred to as the "Right of Way"; and,

WHEREAS, the Town Council of the Town of Malabar has considered the petition to vacate as the applicants own the parcels to the north, south and east and wish to join them with their other parcel; and,

WHEREAS, the Town Council deems the unimproved section of right-of-way *does not serve any public need* and that it is in the best interest of the Town to vacate and abandon the said Right-of-Way; and,

WHEREAS, the Town desires to vacate and abandon to the adjacent property owners the 600+/- foot right-of-way more particularly described in Section 1 of this Resolution.

NOW THEREFORE, be it resolved by the Town Council of the Town of Malabar, Brevard County, Florida as follows:

Section 1. Right-of-Way Abandoned. The Town hereby vacates and abandons the following property:

The 20' wide right-of-way perpendicular to East Railroad Avenue in Section 31, Township 28, Range 38 for a distance of 60+/- feet.

Section 2. A map showing the area vacated is attached hereto as Exhibit "A."

Section 3. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. Effective Date. This resolution shall take effect upon the recording at the Clerk of Courts.

This Resolution was moved for adoption by Council Member _____ and was seconded by Council Member _____ and, upon being put to a vote, the vote was as follow:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This Resolution was declared duly passed and adopted this 17th day of June 2019.

TOWN OF MALABAR

By:

Mayor Patrick T. Reilly, Council Chair

ATTEST:

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

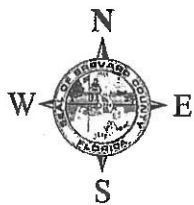
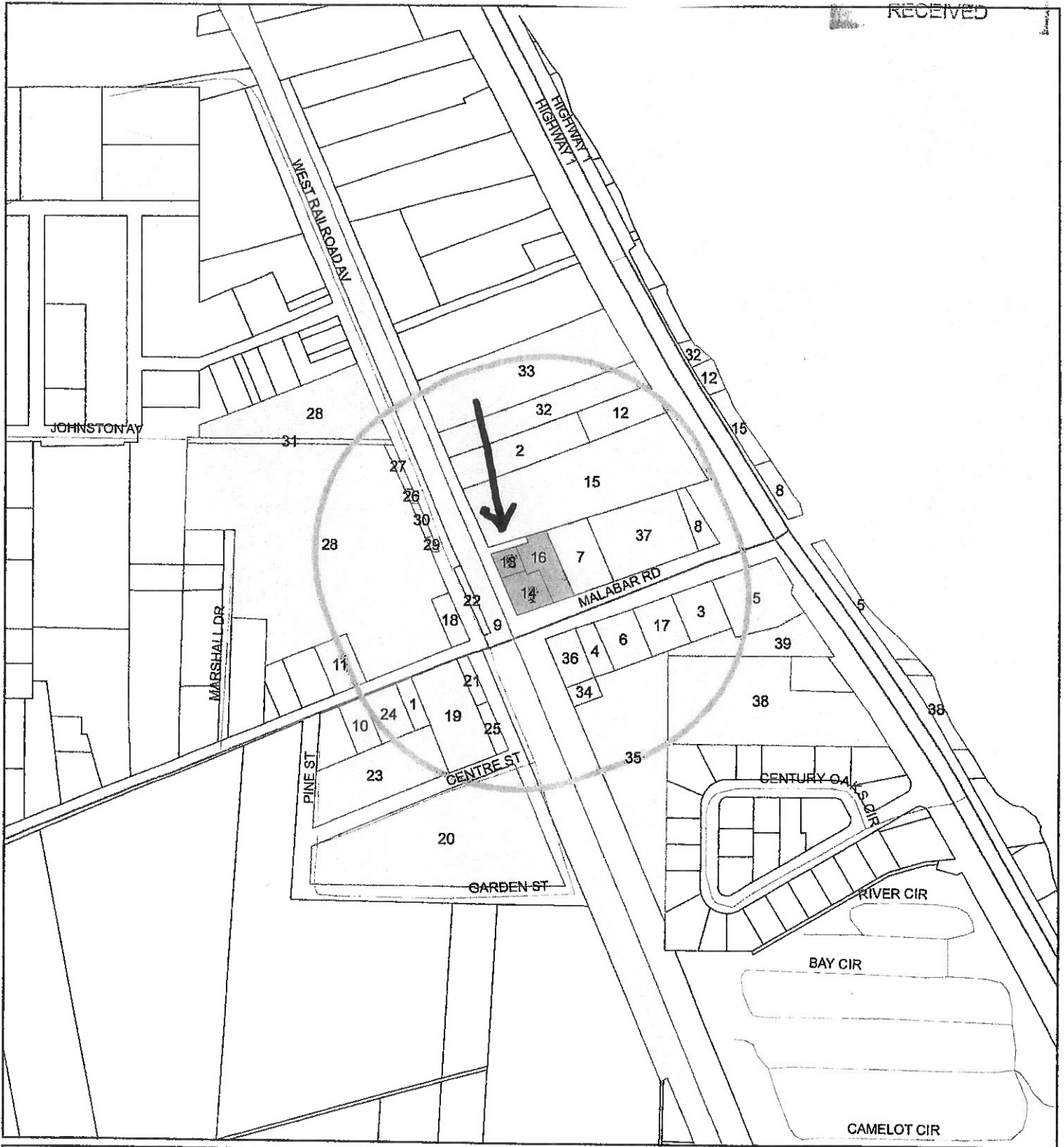


Approved as to Form and Content:

Karl W. Bohne, Jr.
Town Attorney

Exhibit "A" of Resolution 09-2019

RECEIVED







1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

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

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

Ord 01-06

MAY 16 2019 17:30
TOWN OF MALABARMAY 16 2019
RECEIVED**Section 1-12.8. Vacate and abandonment.**

- A. **Definitions:** For purposes of this Section the following terms shall have the following meanings:
1. *Vacate and abandon* shall mean vacate, abandon, close, renounce, disclaim or any other term that indicates the relinquishment of the Town's right, title or interest in a public right-of-way.
 2. *Public right-of-way* shall mean public road, street, highway, easement, way, thoroughfare.
- B. The Town Council may by resolution vacate and abandon any public right-of-way.
- C. All requests for a vacate and abandonment of any public right-of-way shall be by petition and shall state the name and address of all persons owning property abutting said public right-of-way and shall give a description of the public right-of-way sought to be vacated and abandoned.
- D. Petitions for a vacate and abandonment shall be submitted to the Town at least twenty-one (21) days prior to a regularly scheduled Planning and Zoning Board meeting. Meetings are the second Wednesday of each month. The following information shall be submitted with the petition:
1. List of all property owners within five hundred (500) feet of the total length of the subject public right-of-way. Such list shall be prepared by a county office with access to public records, i.e. property appraiser.
 2. A map of the total area of the public right-of-way and property owners with the area requested to be vacated and abandoned identified.
- E. The petition and all associated documents shall be forwarded to the Building Official for distribution to the appropriate Town staff. Staff shall review the request and determine if any conflict may exist or if there may be any reason that the Town should not grant the request. Written staff comments shall be forwarded to the Building Official within ten (10) working days following receipt of the vacate request.
- F. The Building Official shall present the vacate and abandon request and staff comments to the next regularly scheduled Planning and Zoning Board meeting for consideration and recommendation to the Town Council.
- G. The request and Planning and Zoning Board recommendation shall be forwarded to the Town Council for authorization to proceed.
- H. Before the adoption of any resolution vacating and abandoning any public right-of-way, the Town Clerk shall cause to be published in a newspaper of general circulation in the Town a notice that the Town Council shall hold a public hearing regarding said resolution. Said notice shall be published at least fourteen (14) days prior to the date of said public hearing.
- I. A courtesy copy of the notice shall be mailed to all property owners identified in subparagraph D. above and to all utility companies serving south Brevard County.
- J. Any decision by the Town Council concerning a vacate and abandonment shall be a legislative decision and governed by the fairly debatable standard.
- K. Notice of the adoption of the resolution vacating and abandoning any public right-of-way by the Town Council shall be published one (1) time within thirty (30) days following its adoption in a newspaper of general circulation in the Town.
- L.

The proof of publication of notice of the public hearing, the resolution adopted by the Town Council, and the proof of publication of the notice of adoption of the resolution all shall be recorded in the public records of Brevard County after same has been completed.

- M. The Town Council shall establish by resolution the appropriate schedule of fees, charges and expenses and a collection procedure.

(Ord. No. 01-06, § 1, 3-4-02)

TOWN OF MALABAR

MAY 16 2019

RECEIVED



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

**TOWN OF MALABAR
NOTICE OF
PUBLIC HEARING**

The Malabar Town Council will convene at the Council Chambers, 2725 Malabar Road, Malabar, Florida at 7:30PM to hold a Public Hearing and consider a request for a vacate of platted right-of-way at their June 17, 2019 meeting. The request involves a stem showing on the plat as 20' wide and approximately 60' long running perpendicular to the East Railroad Avenue unimproved right-of-way. This stem is surrounded on the north, south and east by the applicant's property and the unimproved East Railroad Avenue on the east. The vacate will have no effect on the right-of-way running parallel to the Florida East Coast railroad's east side.

Case 2019-0617-2: Applicant is Kellwill LLC, represented by Mr. William Carmine. The Planning and Zoning Board will hear the request for vacate at their meeting on Monday, June 10, 2019 at 7:00PM and make a recommendation to Council. The vacate involves a piece of property less than 1,200 square feet in size.

If you received this notice then you are listed as an owner of property, as shown in the records of Brevard County Property Appraiser's office, within 500' of the applicant's requested location. This Notice is provided as required by Malabar Code, Article XII, Section 1-12.9.C. You are welcome to attend this meeting.

A Daily Publication By:



TOWN OF MALABAR

JUN 03 2019

RECEIVED

TOWN OF MALABAR
2725 MALABAR RD

MALABAR, FL, 32950

AD#3598743, 5/31/2019
**TOWN OF MALABAR
TOWN COUNCIL
NOTICE OF PUBLIC HEARING
FOR RESOLUTION VACATING
RIGHT-OF-WAY**

The Town Council of the Town of Malabar, Brevard County, Florida, will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, June 17, 2019 at 7:30 pm for a public hearing on Resolution 09-2019, a request from property owner to vacate the 20-foot wide unimproved right-of-way known as east railroad avenue lying perpendicular to the remaining east railroad avenue in Section 31, Township 25, Range 38 within Malabar a distance of 60+/- feet. Copies of this request are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may appear and be heard at this meeting of the Town Council with respect to this request.
Debby Franklin, CMC
Town Clerk/Treasurer

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
Before the undersigned authority personally appeared **Debbie Davis**, who on oath says that he or she is a Legal Advertising Representative of the **FLORIDA TODAY**, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

as published in **FLORIDA TODAY** in the issue(s) of:

05/31/19

Affiant further says that the said **FLORIDA TODAY** is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in **MELBOURNE** in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 31th of May 2019,
by Debbie Davis who is personally known to me

Affiant

Notary Kathleen A Gibson



Publication Cost: \$69.34
Ad No: 0003598743
Customer No: BRE-6TO207

CARMINE, William

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

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

CARMINE LLC
PO BOX 600835
MALABAR FL 32950-0835

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

DEVVRAT CORPORATION INC
1360 HIGHWAY 1
MALABAR FL 32950-

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

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

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

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

GOURLAY, ROBERT E, JR
2655 MALABAR RD
MALABAR FL 32950-4427

GOURLAY, ROBERT EARL, JR
2655 MALABAR RD
MALABAR FL 32950-4427

KAMDEN HOMES LLC
1049 EBER BLVD, STE 104
MELBOURNE FL 32904-8767

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

KELLWILL LLC
PO BOX 587
GRANT FL 32949-0587

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

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

LOTUS GROUP INVESTMENTS INC
PO BOX 500928
MALABAR FL 32950-0928

MALABAR, TOWN OF
2725 MALABAR RD
MALABAR FL 32950-

MARKS, ROBERT D
1100 NE BROOK NE ST
PALM BAY FL 32905-4902

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

NEACSU, ELIZABETH EMANUEL
1256 S US HIGHWAY 1
MALABAR FL 32950-6911

PROCTOR, DOUGLAS K
2460 MALABAR ROAD
MALABAR FL 32950-

RAY, DEANNE HUGGINS
PO BOX 500175
MALABAR FL 32950-0175

SMITH, DEBRA A
1410 HIGHWAY 1
MALABAR FL 32950-

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

Route 1 Motorsports Unlimited Inc.
1300 S US Hwy 1
Malabar, FL 32950

329,1000

TD BANK
63-1482/670

12474

DATE 05/16/2019

PAY TO THE ORDER OF

Town of Malabar

\$ 425.00

*** Four Hundred Twenty-Five Dollars and 00 Cents ***

DOLLARS

Town of Malabar
2725 Malabar Road
Malabar, FL 32950

Willy Guin

MEMO

⑈012474⑈ ⑆067014822⑆ 4254123634⑈

RECEIPT

No. 496692

DATE 5/16/19

FROM Route 1 Motorsports Inc \$ 425.00

1300 Hwy

DOLLARS

FOR RENT VACATE Request

FOR # 12474

ACCT.	<input type="radio"/> CASH
PAID	<input checked="" type="radio"/> CHECK
DUE	<input type="radio"/> MONEY ORDER
	<input type="radio"/> CREDIT CARD

FROM TO BY DKZ

A-1152
T-4161

**TOWN OF MALABAR
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 3
Meeting Date: June 17, 2019**

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Land Use Map Amendment and Zoning Change for three parcels all in Township 28, Range 38, Section 31, Parcel 54-D-1, 54-D-2 and 54-D-12 in Malabar, generally located at the northeast corner of Malabar Road and East Railroad Avenue. Request is to change from Residential Limited Commercial (R/LC) to Commercial General (CG). The three parcels total .82 of an acre +/- Applicant is Kellwill LLC, represented by Mr. William Carmine. (Ord 2019-07)

BACKGROUND/HISTORY:

This applicant's request to amend the future land use designation on the FLUM and the corresponding Zoning Map to Commercial General (CG) from the R/LC is due to the applicant's need for a larger building footprint than allowed in R/LC.

This was heard at the P&Z Board meeting on June 10, 2019. The request is consistent with the Comprehensive Plan, Compatible with the surrounding areas, and Conforms with the desire of Council to encourage commercial development along the main corridors.

For these reasons, Malabar staff recommends approval of the land use and zoning changes and the separate vacate request for the stem that protrudes into the private property all owned by the applicant.

If the first reading of the Ordinance 2019-07 is approved it will be advertised for a subsequent Public Hearing on July 1, 2019 to adopt these changes.

ATTACHMENTS:

Draft minutes from P&Z Board Mtg of 6/10/19
Ord 2019-07 Amendment to Comprehensive Plan Future Land Use Map and Zoning Change
Application package from Mr. Carmine
Sections of appropriate Code and Comp Plan
Memos from Staff

ACTION OPTIONS:

Approval of first reading of Ord 2019-07.

"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
JUNE 10, 2019 7:00 PM**

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

A. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 7:00 P.M. Prayer and Pledge led by PZ Member Liz Ritter.

B. ROLL CALL:

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	DOUG DIAL
	GEORGE FOSTER
	MARY HOFMEISTER
ALTERNATE:	ALLEN RICE, excused
ALTERNATE:	VACANT
BOARD SECRETARY:	DENINE SHEREAR
RECORDING SECRETARY:	DEBBY FRANKLIN, CLERK/TREASURER
TOD MOWERY, TOWN PLANNER	

ALSO PRESENT:

CM GRANT BALL, FIRE CHIEF MIKE FOLEY

C. ADDITIONS/DELETIONS/CHANGES TO AGENDA: None

D. CONSENT AGENDA

1. Approval of Minutes: P&Z Mtg Minutes of 5/22/19

MOTION: Member Ritter / Member Dial to approve the minutes as corrected. Discussion.
Doug pg. 4, correct sentence the purpose of the land use – too many "could" VOTE: All Ayes.

Board Chair Wayne Abare opened with comments about the proceedings. This P&Z Board is an advisory board. Their decision will be a recommendation to Council for action. Motions are put in positive format as it eliminates the double negative. If there is no motion in the positive, Chair will allow a motion to deny.

Fill out a speaker card if you wish to speak on vacate request. Regarding the land use and rezoning, it is a Public Hearing (PH) and no speaker card are necessary. Just raise your hand and be recognized.

The Vacate request will be discussed first. Council will need a recommendation from the Board for their meeting next Monday. Council will hold a PH on this request at that time. Chair then called on Town Planner Tod Mowery to offer guidance on the vacate request.

Town Planner Tod Mowery explained when you vacate a ROW it is necessary to have the land use designated and the zoning classified. Once vacated it is split and goes half and half to adjacent property owners. In this case the applicant owns all the adjacent property. Staff Engineer Morris Smith has provided a recommendation for approval and an explanation on why it was created. For the Town's purposes, it does not serve a public purpose. Chair had Denine pull up page 32 on the overhead showing the stub under consideration. Staff recommends approval of the vacate

ACTION: 1

2. Request to vacate platted, unimproved ROW adjacent to East Railroad Avenue (Reso 09-2019). Applicant Kellwill, LLC

Chair asked Secretary to read request by title only. Asked for speaker cards - none.
Chair asked for motion.

MOTION: Member Ritter / Member Hofmeister to recommend Council vacate the requested 20' x 60' between lots 13, 15 and 18 as stated in Reso 09-2019.

Discussion: Member George Foster said it is a perfect fit for this applicant. Member Liz Ritter sees no conflict. Fire Chief supports this request. Staff recommends approval.

ROLLCALL VOTE: Member Foster, Aye; Member Ritter, Aye; Member Hofmeister, Aye; Member Dial, Aye; Member Abare, Aye. Motion carried 5 to 0.

E. PUBLIC HEARING: 1

3. Request for LU and Z change from R/LC to CG. Applicant Kellwill, LLC
Chair asked Secretary to read request by title only.

The Town Planner will speak first as staff representative. The Applicant will speak next and present their request. Then the Town Planner will address the Board and provide direction. Then Chair will open the Public Hearing. The five-minute limit will be enforced. After the public has spoken, the Public Hearing portion will be closed, and the discussion will remain at the Board until a motion is made.

Town Planner Tod Mowery said the P&Z Board must use the criteria in the Land Use regulations as the basis for their motion. He went over the 3 "C" s consistency, compatibility and capability. The question for the Board to consider is on the requested change and the uses that could be allowed if it is changed – it should not be on what the applicant said they intend to do because that may change. Focus on "use" not the users. CG provides a series of uses that would be permitted. At a subsequent meeting they will present a site plan for later consideration.

The applicant's subject parcels currently have a land use designation of R/LC. The change would be to go to the CG.

Member Liz Ritter and asked about storage – is this allowed in CG? Tod explained the accessory use to the business. Also, although we do know what they are intending to do this is not a site plan. Tod said we would probably request that the applicant do a unity of title for these three parcels.

MOTION: George Foster / Doug Dial to recommend Council approve the application for land use and zoning map changes as stated in Ord 2019-07 to include the vacated ROW described in Reso 09-2019.

Discussion: Member Doug Dial said what about traffic impact. That was an issue they considered in the recent Peay's request. He asked if this should be a consideration in this request. Chair Wayne Abare said it makes it more amenable for traffic for the Route 1 Motorsports facility which had only one access - this will provide a secondary access. Member George Foster said the new ROW would also provide future potential use.

Chair called applicant to podium.

William Carmine, Kellwill LLC, gave his presentation of the request. He is the owner. When they started the development, they were looking for a secondary ingress and egress. Once they got operating they were able to purchase the property. A lot of customers have trailers and currently they have to go north on Hwy 1 and do a U-turn near Yellow Dog. Also, when customer goes to leave they have to do a U-turn to go back to the north and can't do that until they get to Rocky Point Road. When customers come up US 1 they can turn onto Malabar Road and turn into the facility and then go out Hwy 1. They have exceeded their estimates for success to date. On the north side of Malabar Road there are three cottages immediately east and then the old vacant Huggins homestead. On the south side you have Malabar Mo's, Malabar Moments Massage and the Sunshine Market.

Member George Foster said Mr. Carmine covered what he was going to ask. It seems to him that this will help with traffic. Not only enter from Hwy 1 but also have access from Malabar Road will be a lot safer than what is happening now. He has always thought that the NE corner of Malabar and Hwy 1 is a key parcel. He is happy with what the applicant has done and just as far as the corner - this corner is a major asset. What he is planning is also going to be an asset. Hopes he inspires more businesses to come to this area. Mr. Carmine did get with the owner of that parcel and got permission to clear and undercut for visibility improvements.

Mr. Carmine said he is willing to clear the Town's East Railroad Ave ROW from Malabar Road to the north of these three parcels, so people can pull off and use it to access the cemetery. This ROW lies east of the FEC ROW.

Member Doug Dial asked applicant to explain what the Malabar Road frontage would look like. The front would be a rental place and storage in the back. Planner Tod cautioned them about discussing the site plan.

Roll Call Vote: Member Foster, Aye; Member Dial, Aye; Member Hofmeister, Aye; Member Ritter, Aye; Member Abare, Aye. Motion carried 5 to 0.

Next regular P&Z Board meeting will be June 26, 2019.

New Business: Member George Foster requested inviting Town Planner Tod Mowery to attend a future P&Z Board meeting and give some insight on how to do the planning period for the future.

J. ADJOURN

Chair asked for a motion.

MOTION: Member Hofmeister / Member Dial to adjourn. Vote: All Ayes. The meeting adjourned 7:40PM.

BY:

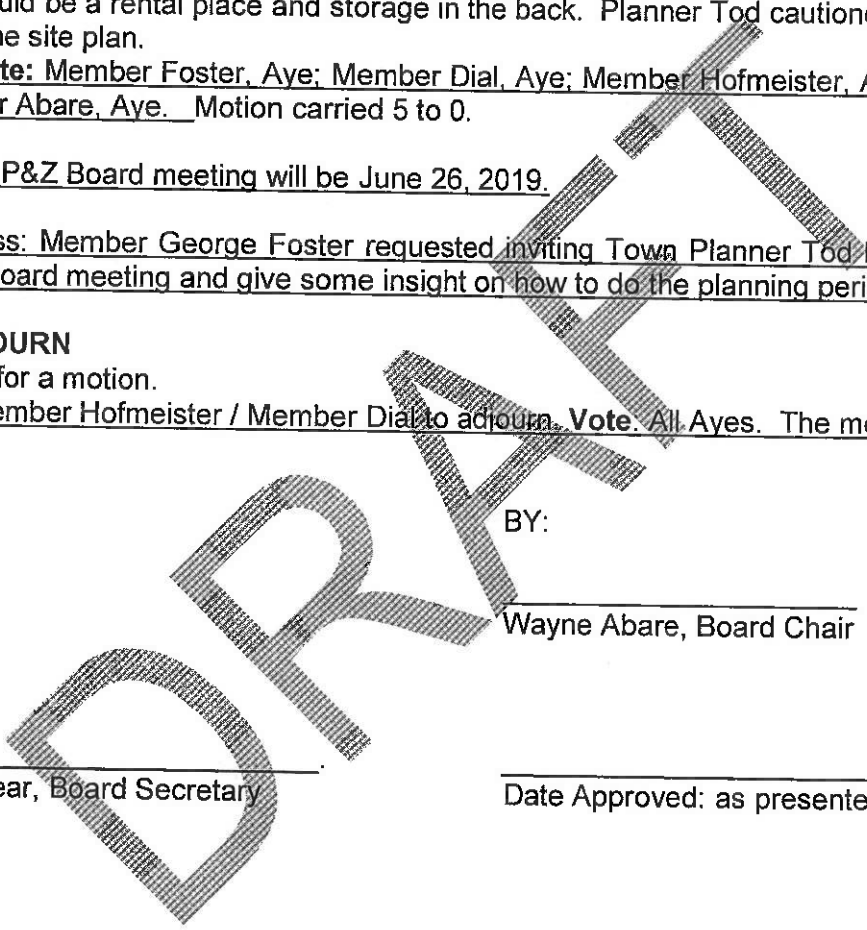
Wayne Abare, Board Chair

ATTEST:

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

Debby Franklin, Town Clerk/Treasurer
Recording Secretary



ORDINANCE 2019-07

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING LAND USE MAP AND ZONING MAP FOR THE .82 ACRE (+/-) AT THE NORTHEAST CORNER OF MALABAR ROAD AND EAST RAILROAD AVENUE ADJACENT TO THE FLORIDA EAST COAST RAILROAD IN TOWNSHIP 28, RANGE 38, SECTION 31, SD 54, LOTS D-1, D-2 AND D-12, MALABAR, FLORIDA, FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN LAND USE AND ZONING MAPS; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1. The Town Council has considered the recommendation of the Planning and Zoning Board and approves the land use and zoning change for the property described below and is hereby re-designated on the land use map and rezoned on the zoning map from *Residential/Limited Commercial (R/LC) to Commercial General (CG)*:

The entire portion of Lots 54-D-1, 54-D-2 and 54-D12 in Township 28, Range 38, Section 31, Malabar, Brevard County, Florida. This property is located at the northeast corner of Malabar Road and East Railroad Avenue.

Section 2. The Town Clerk is hereby authorized and directed to cause the revisions to the Land Use Map and Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change set forth above.

Section 3. The effective date of this ordinance shall be six (6) days following adoption by Council.

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

- Council Member Grant Ball
- Council Member Brian Vail
- Council Member Steve Rivet
- Council Member Dick Korn
- Council Member Danny White

This ordinance will become effective and considered adopted by the Town Council, Town of Malabar, Brevard County, Florida six (6) business days from the date of this meeting: July 1, 2019.

(seal)

BY:
TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

(seal)

ATTEST:

By: _____
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

Legally Advertised to Comply with FS 163 and 166.

Hearing at P&Z: 6/10/2019
Ord First Reading: 6/17/2019
Second Reading: 7/1/2019
Effective Date: 7/09/2019

MAY 1 2019

RECEIVED



ROUTE 1 MOTORSPORTS

To: The Town of Malabar Planning and Zoning Board, and Town Council Members

Case No: SSA-ZC-1-2019

Ordinance: 2019-08/7

Request: Comprehensive Plan Map Change & Zoning Change from RL/C To CG

Kellwill LLC, a Florida Limited Liability Corporation, leasing to Route 1 Motorsports has purchased three parcels of land on Malabar Road starting East of the Railroad tracks and continuing 170 foot East on Malabar Road. We would like to request a Land Use and Zoning change for those parcels, to CG. Under the current zoning these parcels are RL/C. Based on the footprint square footage limitations of RLC, this would not allow us to maximize our usage of this property.

Route 1 Motorsports is a growing Motorsports Dealership that has been in Brevard County since 2007. The company was based in Grant Valkaria until building our state of the art facility located at 1300 US Hwy 1, in Malabar, FL in 2017. We have exceeded our projections with our move to the Town of Malabar in the short 18 months of business. We have now purchased these three vacant lots with the hopes of continuing our growth with the expansion of our facilities. Our plan will be to build a 8,000 sq. foot building for storage and a Motorsports Rental Center on the Malabar Road frontage. During the Site Plan approval process of building our current facility, the Fire inspector was pushing for a second entrance. At that time we could not provide this access, we are confident that with this approval we will be able to provide this second entrance by connecting driveways and giving a much nicer ingress and egress option of our customers as well as Emergency vehicles.

Thank you in advance for considering our vision and helping a Malabar native develop the economic future of our Town.

Sincerely,

William James Carmine

Kellwill LLC, Route 1 Motorsports Unlimited Inc, & Malabar Mo's Inc.

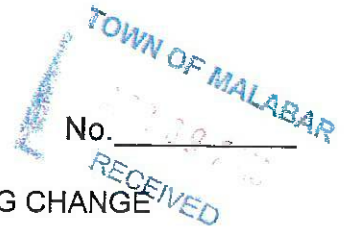
1300 Highway 1, Malabar, FL 32950

PH: 321-725-7225

FX: 321-768-0049

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

Date: 3/27/19



APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

Before completing this application, please refer to the attached:

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

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

Name of Applicant(s): Kellwill LLC Telephone #: 321 626-1035
Mailing Address: 1300 US Hwy 1 Malabar, FL 32950

Legal description of property covered by application:

Township: 28 Range: 38 Section: 31
Lot/Block: 54 Parcel Subdivision: D1, D2, D12
Other Legal: _____

Property Address: _____

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

Fees:

- Rezoning - \$625.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for **Residential**.
- Land Use Charges - \$300 which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for **Residential**.
- Rezoning & Land Use Charges - \$1500.00 for first acre plus \$10 for each additional acre, which includes administrative time and mailing. Any advertising or additional costs* shall be paid by the applicant for **Commercial**.

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

Required Attachments:

- Completed application, including Disclosure of Ownership (Pages 1 & 2)
- Fee of \$ 1500 in check or money order payable to *Town of Malabar*. We do not accept cash or credit cards.
- Radius package from Brevard County P&Z GIS Department providing a list of names and addresses of property owners and legal descriptions of all property within 500 feet of the boundaries of the property covered by this application. The source of this list must be the most current records maintained by the Brevard County Tax Appraiser's Office. (321-633-2060)

William J. [Signature]
Signature of Applicant

Signature of Applicant

TOWN OF MALABAR
APPLICATION FOR LAND USE AMENDMENT AND ZONING CHANGE

TOWN OF MALABAR
RECEIVED

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

Please complete only one of the following:

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

Applicant Date

Applicant Date

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

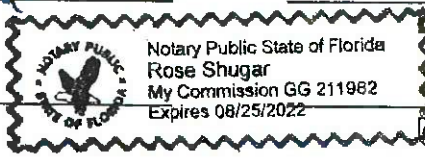
NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: _____ My Commission Expires: _____.

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

William J. Carmine 3-27-2019
Applicant Date

Applicant Date

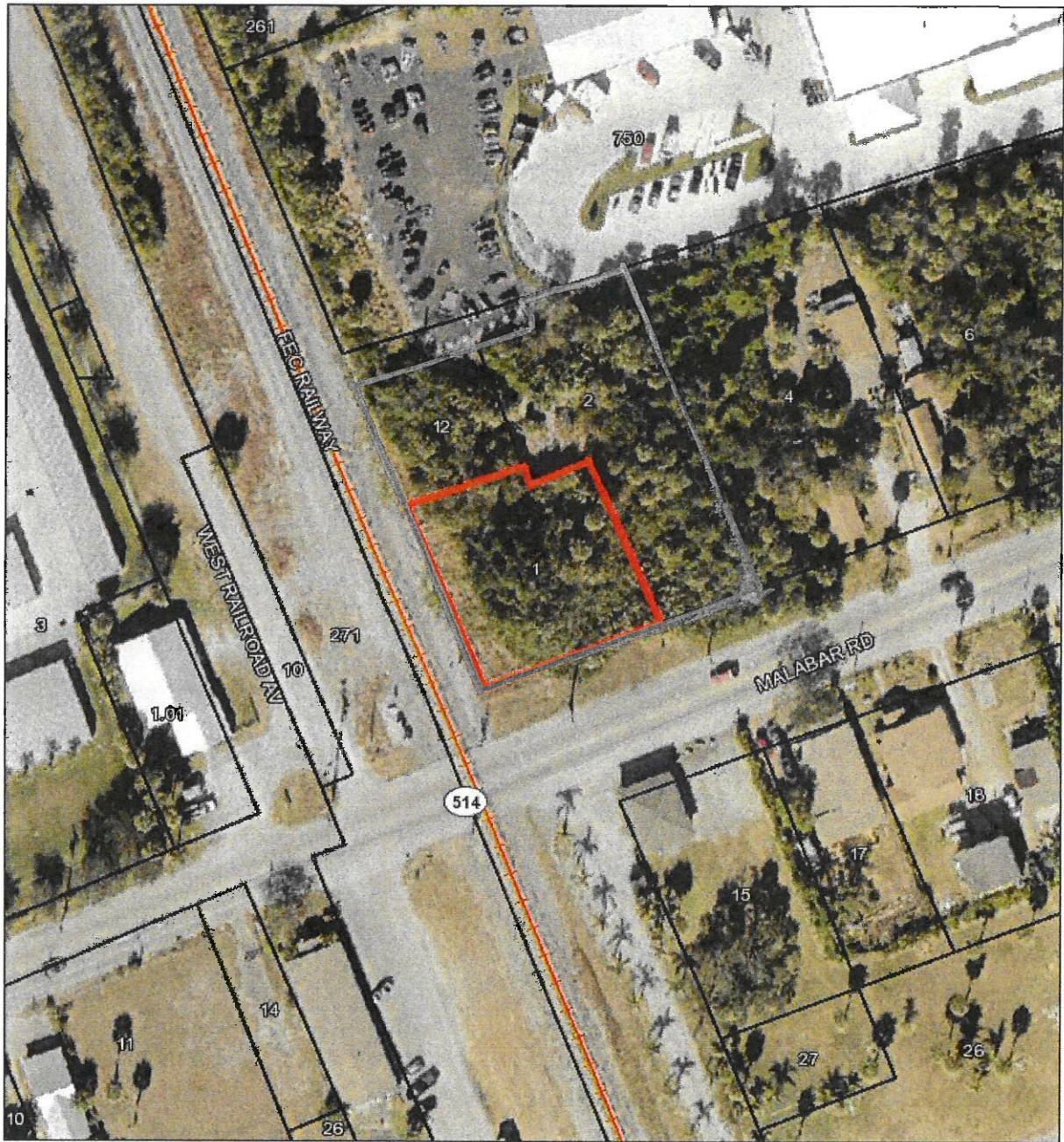


Sworn and subscribed before me this 27 day of MARCH, 2019.

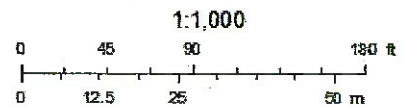
NOTARY PUBLIC
STATE OF FLORIDA

Commission No.: GG211982 My Commission Expires: 8/25/2022

Brevard County Property Appraiser



March 27, 2019



2846850

For illustration only. Not a survey. Map layers may not precisely align.
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anticipated future residential development within or in the vicinity of areas designated "R/LC" on the Future Land Use Map.

1-2.2.6 Policy:

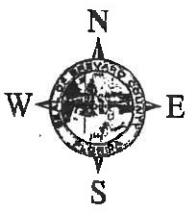
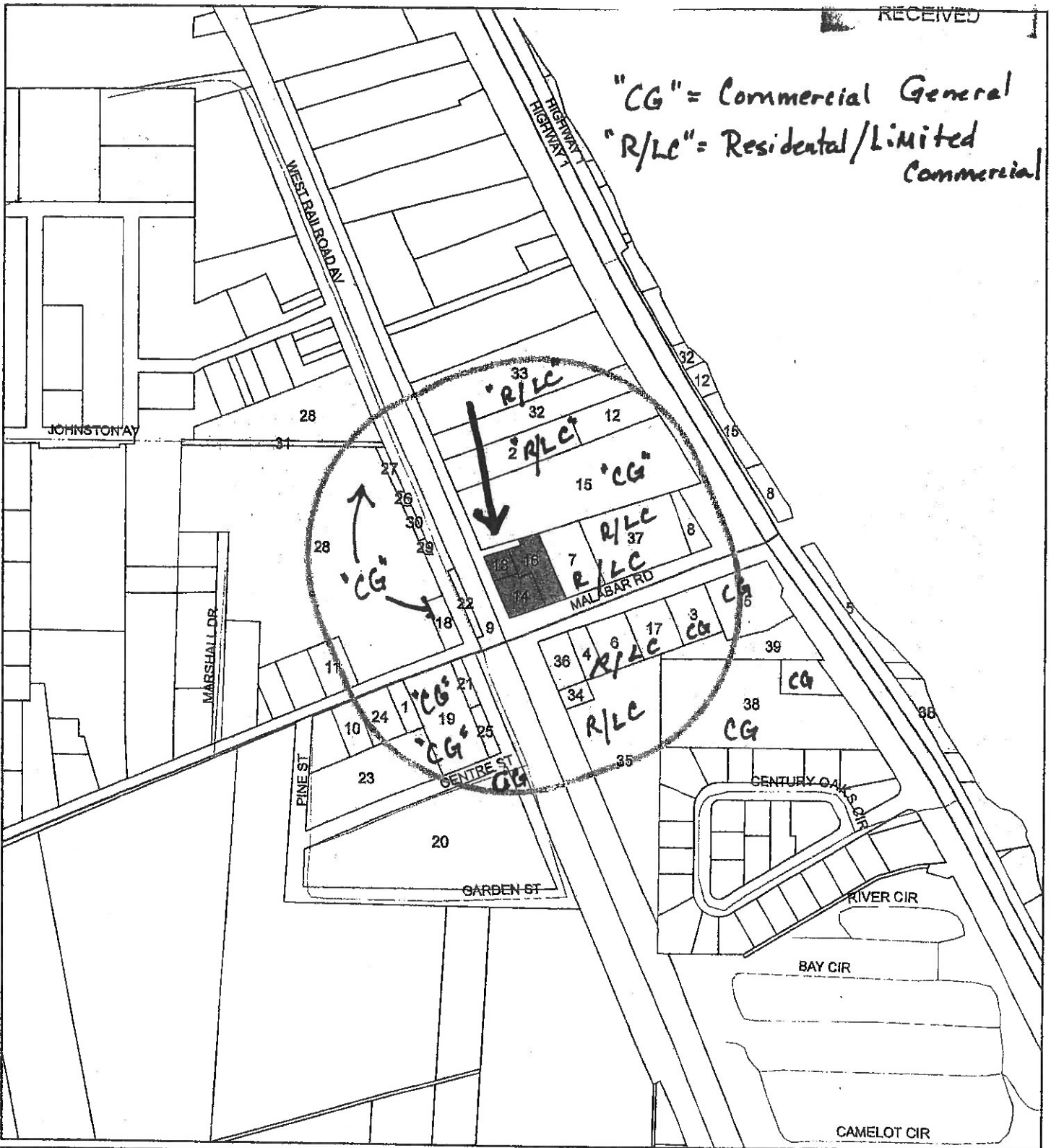
Criteria for the Residential and Limited Commercial Development R/LC Designation. The following criteria for development within the R/LC FLUM designation shall be incorporated into the Town of Malabar Land Development Regulations:

- a. *Percent of Site for Mixed Use Development.* Within the R/LC designation where Residential and Limited Commercial activities are proposed to occupy the same site and/or the same building the following minimum and maximum percentages shall apply:
 - 1) Residential Dwelling unit(s) shall not exceed commercial use(s) by more than one.
 - 2) Commercial use(s) shall not exceed residential dwelling unit(s) by more than one as described in the following table:
- b. *Limited Commercial Uses.* Limited Commercial uses with the R/LC FLUM designation shall have a minimum floor area of nine hundred (900) square feet and a maximum of four thousand (4,000) square feet.
- c. *Residential Uses.* Single family units shall have a maximum density of four (4) units per acre. Multiple family uses shall have a density no greater than six (6) units per acre. However, any residential site located with a high surficial aquifer area on the Atlantic Coastal Ridge and not served by central water and wastewater shall have a density no greater than two (2) units per acre.
- d. *Minimum Lot Requirements.* Lots within the R/LC FLUM designation shall have a minimum lot size of 20,000 square feet, a minimum width of 100' and a minimum depth of 150'.
- e. *Setback Requirements.* Single family units shall have setbacks of 25' in the front, 10' on the interior and street sides, and 20' in the rear. Multiple family units shall have setbacks of 50' in the front, 10' on the interior side, 20' on the street side, and 25' in the rear.

Exhibit "A" of Resolution 09-2019

RECEIVED

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






1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

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

- Legend
-  Subject Property
 -  Notify Property
 -  Parcels

LAND USE AND ZONING

§ 1-2.6

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



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

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

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

Supp. No. 20



DISTRICT PROVISIONS

§ 1-3.1


- Accommodate only office buildings and institutional land uses and shall expressly exclude residential uses (except those Community Facilities defined as Nursing Homes and Related Health Care Facilities in 1-2.6.B.10(B)), general retail sales and services, warehousing, and outside storage; and
- Frequently serve as a transition area which buffers residential uses located in one area from a nearby area which accommodates uses of a higher intensity.
- A Malabar Vernacular Style is required for all development along arterial roadways.

J. *INS "Institutional Services."* The INS district is established to implement comprehensive plan policies for managing institutional development. The district is intended to accommodate public and semi-public facilities such as government administration buildings; fire, police, and rescue services; health care delivery services; and educational institutions. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this district.

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

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

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

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

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

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

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

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


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

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

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

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

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



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

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

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

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

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

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

Section 1-3.2. Land use by districts.

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

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

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

Cross reference—Alcoholic beverages, ch. 4.

TABLE 1-3.2. LAND USE BY DISTRICTS

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

DISTRICT PROVISIONS

§ 1-3.3

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


Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setbacks (ft./ft.)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (1)				
Rural Residential Development												
RR-65	65,340	150	250	35/3	1,500	40	30	30	20	N/A	50	4.66
Traditional Single Family Residential Development												
RS-21	21,780	120	150	35/3	1,800	35	20	15	15	N/A	65	2.00
RS-15	15,000	100	120	35/3	1,500	30	20	15	15	N/A	55	2.904
RS-10	10,000	75	100	35/3	1,200	25	20	10	10	N/A	50	4.00
Multiple Family Residential Development												
RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	50	4.00
RM-6	5 acres Minimum Site	200	200	35/3	Single Family: 1200 sq ft Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	10	50	50	6
Mixed Use Development												
M/LC	20,000	100	160	35/3	1200 sq ft Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	10	50	50	4
Mobile Home Residential Development												
M/H	5 Acres Site: 5 Acres Lot: 7000				Commercial; Min. Area: 900 Max. Area 4,000	10	8	8	10	50	50	6.00
Office Development												



TABLE 1-3.3(a) SIZE AND DIMENSION REGULATIONS FOR PRINCIPAL STRUCTURES

Zoning District	Minimum Lot (1)			Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Setback (ft./2)			Maximum Impervious Surface Ratio (%)	Maximum Building Coverage ¹	Minimum Open Space (ft.)	Maximum Density (units per acre) with Central Water and Wastewater
	Size (sq. ft.)	Width (ft.)	Depth (ft.)			Front	Rear	Side (f)				
CI	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	65	35	N/A
Commercial Development												
CL	20,000	100	150	35/3	Minimum Floor Area: 900	60	25	10 ⁴ 15 ³	20	85	35	N/A
CC	20,000	100	150	35/3	Min. Area: 900 Max. Area: 4,000 Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	60	25	20 ⁴ 15 ³	30	65	35	N/A
Industrial Development												
IND	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 ⁵	25 100 ⁵	20 100 ⁵	30 100 ⁵	70	30	N/A
Institutional Development												
INS	20,000	100	150	35/3	Minimum Floor Area: 1200	60	25	20	30	60	40	N/A
Coastal Preservation												
CP	No Size or Dimension Standards Adopted											

¹Minimum size sites and lots include one-half of adjacent public right-of-way.
²Minimum setbacks determined from the existing right-of-way lines where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to Table 1-3.3(E) whichever is most restrictive.
³Setback where rear lot line abuts an alley.
⁴Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
⁵Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
⁶Recreation activities maximum FAR shall be .10.



Abut or abutting property means a lot or parcel sharing a common boundary with the lot or parcel in question, or a lot or parcel immediately across a public or private right-of-way or street from the lot or parcel in question.

Commercial district means any area of the Town having the zoning classification CL or CG in accordance with the land development regulations of the Town.

Entrance gate means a gate designed for ingress and egress for vehicular traffic to and from a lot or parcel that directly connects to the public roadway. Entrance gates may be opened manually or by automated means and may be guided by hinges, tracks, or other means.

Entranceway means columns, poles, walls, arches or other structures that define a point of entry onto a property. The entranceway may or may not have a gate.

Fence means a vertical row of nonliving material, placed close together or abutting each other in such a manner as to form a boundary or barrier between two (2) adjacent parcels of land. Such amenities as kennels, cages, corals, trellises and related conveniences are not fences for the purposes of this subsection.

Gate means a rigid structure to open and close in order to allow ingress and egress through a fence or wall. Gates may be opened manually or by automated means and may be guided by hinges, tracks, or other means.

Height means the distance from existing grade to the top of such fence or wall including post and/or uprights measured on the side facing abutting property.

Industrial district means any area of the Town having the zoning classification IND in accordance with the land development regulations of the Town.

Institutional district means any area of the Town having the zoning classification INS in accordance with the land development regulations of the Town.

Opaque shall mean that objects located on one side of a fence or wall are not visible from the opposite side when the viewer's line of sight to such object is through such fence or wall.

Perimeter means outside boundary of a subdivision or multiple adjoining lots.

Residential district means any area of the Town having the zoning classification RR-65, RS-21, RS-15, RS-10, RM-4, RM-6, R-L/C or R-MH, in accordance with the land development regulations of the Town.

Wall means a vertical row primarily composed of masonry materials placed close together or abutting each other in such a manner as to form a boundary or barrier between two (2) parcels of land.

Yard means an open, unoccupied space on the same lot or parcel with a building or buildings, other than a court, which is unobstructed from the ground upwards by buildings or structures.

- (e) *Disclosure of Ownership.* The application shall include a verified statement showing each and every individual person having a legal and/or equitable ownership interest in the property upon which the application for rezoning is sought, except publicly held corporations, in which case the names and addresses of the corporate officers shall be sufficient.

B. *Administrative Review.* The Town Clerk shall forward zoning change petitions, for which appropriate fees have been submitted, to all appropriate administrative staff for their review and comment. The application shall be reviewed for conformance with the requirements of this Chapter [Code].

C. *Planning and Zoning Board Review.* The Planning and Zoning Board, regardless of the source of the proposed zone change petition, shall hold a public hearing(s) thereon, with due public notice. The Town Planning and Zoning Board shall submit a written report and recommendation concerning the proposed change of zoning to the Town Council for official action. If the Planning and Zoning Board denies the requested zone change or amendment, this action shall be deemed final unless such action is appealed to the Town Council pursuant to Section 1-12.3(C)(4). In its deliberations the Planning and Zoning Board shall consider the following criteria:

1. *Consistency With Plan.* Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service (LOS) standards and the concurrency management program. Any inconsistencies shall be identified by the Planning and Zoning Board.
2. *Conformance With Ordinances.* Whether the proposal is in conformance with all applicable requirements of the Town of Malabar Code of Ordinances.
3. *Changed Conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations involved which are relevant to the amendment.
4. *Land Use Compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.
5. *Adequate Public Facilities.* Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.
6. *Natural Environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, vegetative commodities, and wellfield protection.
7. *Economic Effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area, or the general welfare.

8. *Orderly Development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.
9. *Public Interest; Enabling Act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this ordinance and its enabling legislation.
10. *Other Matters.* Other matters which the Planning and Zoning Board may deem appropriate.

D. Action Following Reviews By Town Planning and Zoning Board. If an appeal to a decision of the Planning and Zoning Board is filed, the Town Clerk shall transmit copies of the petition, the comments and the minutes of the Planning and Zoning Board meeting to each member of the Town Council at least seven (7) days before the Council shall consider the appeal. The Town Clerk shall notify the applicant of the time and place of the meeting at which the Council will hear the appeal. Should the Council tentatively approve the petition, the Town Council will proceed to hold a public hearing(s) on the petition.

Should the Town Planning and Zoning Board approve the petition, the Town Clerk shall transmit copies of the petition, [and] all comments and the minutes of the Planning and Zoning Board meeting to each member of the Council at least seven (7) days before the Council shall consider the petition. Should the Council tentatively approve the petition, public hearing(s) shall be held on the petition.

E. Town Council Review. The Town Council shall hold a public hearing on the requested zone change petition or amendment, with due public notice, if any change is to be considered and shall then act on the proposed change. An affirmative vote of three (3) members of the Town Council is required for favorable action on a zone change petition or amendment for which the Town Planning and Zoning Board has recommended denial. In its deliberations the Town Council shall consider the criteria identified in Section 1-12.5(C) above together with the findings and recommendations of the Planning and Zoning Board. Any modifications or revisions to the Town Planning and Zoning Board recommendation which involve a greater area of land to be rezoned or a more intensive zoning classification shall be the subject of an additional public hearing before the Town Council with due notice prior to action by the Town Council.

Cross reference—Ordinance adoption procedure, § 2-76 et seq.

Section 1-12.6. Procedures for public hearings.

Due public notice shall be provided pursuant to § 166.041 F.S.

Section 1-12.7. Violations and provisions for schedule of fines.

Violations and Penalties. Prior to issuing a citation for a violation of this Code, the Town Clerk or other designated Town official shall provide notice to the violator that the violator has committed a violation of a code and shall establish a reasonable time period within which the violator must correct the violation. Such time period shall be no more than 30 days. If, upon



TOWN OF MALABAR

JUN 06 2019

RECEIVED

TO: Planning and Zoning Board, Town of Malabar

FROM: Tod Mowery, Town Planner

RE: Route 1 Motorsports -

DATE: June 6, 2019

CURRENT ZONING AND LAND USE: R/LC, R/LC

APPLICANT: William J. Carmine

OWNER: Kellwill LLC

LOCATION: Adjacent to 1300 US Highway 1-

PARCEL IDs: 28-38-31-54-D-1, 28-38-31-54-D-2, and 28-38-31-54-D-12

LEGAL DESCRIPTION: Snedekers Subdivision of Malabar, Lots 1 and S 1/2 of Lot 2, the N 1/2 of Lot 2 with Lot 3, Lots 12 and 13 of Block D

SIZE: 0.78 acres

EXISTING USE: Vacant

SURROUNDING ZONING / LAND USE

South: RLC and CG/RLC and CG

West: CG/CG

North: CG/CG

East: RLC /RLC

REQUESTED ZONING AND LAND USE: CG, CG



241 SW Fernleaf Trl
Port St. Lucie, FL 34953
c. - 561.262.6304
todm@redtaildg.com

JUN 06 2019

RECEIVED

BACKGROUND AND ANALYSIS –

This applicant is requesting consideration for a rezoning from R/LC to CG, as well as a Land Use amendment. The applicant owns the adjacent property to the north, Route 1 Motorsports. While a site plan application has not yet been received, the Applicant has indicated that he wishes to start planning for the future expansion of Route 1 Motorsports. These properties are currently vacant and adjacent on the south of Route 1 Motorsports which currently has a zoning and Land Use designation of CG. Future expansion of this business will require the CG zoning and land use.

In evaluating the proposal, the Land Development Code, in Article XII, Section 1-12.5 C. the criteria for for Zoning change is outlined, with our review in italics.

1. Consistency With Plan. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service (LOS) standards and the concurrency management program.

There are no identified inconsistencies, in fact, parcels to the north and west of this site are CG. The Comprehensive Plan was recently updated and in reviewing supports the requested land use and zoning change. Therefore, this change is deemed to be Consistent.

2. Conformance With Ordinances. Whether the proposal is in conformance with all applicable requirements of the Town of Malabar Code of Ordinances.

There are no identified nonconformities. Therefore, this change is deemed to be Consistent.

3. Changed Conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations involved which are relevant to the amendment. *Malabar continues to be a major roadway, as is US Highway 1. Route 1 Motorsports located there a few years ago and has creating a thriving business. Also, by adding these parcels, a second means of ingress and egress to the site can be created, for both patrons and emergency services.*

4. Land Use Compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

The surrounding properties are either CG already, or support limited residential, therefore the land use proposed is compatible.

5. Adequate Public Facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

This site is served by a major roadway providing easy transportation, solid waste is available, any modifications for the road will provide for utility services, as well as drainage and emergency service.

6. Natural Environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, vegetative commodities, and wellfield protection.

At the time of site plan, if any protected species of wildlife or fauna are identified, they can be addressed.

7. Economic Effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area, or the general welfare.

No economic adverse impacts are anticipated.

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8. Orderly Development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

This is a natural expansion area for Route 1 Motorsports, providing for orderly development.

9. Public Interest; Enabling Act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this ordinance and its enabling legislation.

There are no conflicts of public interest identified.

10. Other Matters. Other matters which the Planning and Zoning Board may deem appropriate.

If approved by the Town, Redtail DG recommends a Unity of Title combining the properties together.

In reviewing the surrounding neighborhood, the Applicant's request and the Town's Code, we have been unable to identify any adverse conditions. We have looked at what is called the 3 "C's." Consistency, Compatibility and Capability. Is the subject application request consistent with the intent of the land development code.. Is the request Compatible with the neighborhood and are the subject parcels Capable of handling the use proposed. Based upon a review of the application, the Town Ordinances, it would appear the application is Consistent with the Town's Codes and the application is Compatible with the surrounding uses with the majority having a CG zoning and land use. Also, the subject parcels are Capable of handling the permitted uses of the CG Zoning district.

STAFF FINDINGS AND RECOMMENDATION:

Based upon the Land Development Code and the Comprehensive Plan for Consistency, Compatibility and Capability, we are recommending approval. If approved, a Unity of Title is recommended for the existing business and the three lots proposed on Malabar.

Planning Board Action Options:

Application for Land Use Amendment and Zoning Change from R/LC to CG:

•Motion to recommend approval

I Move that the Land Use Amendment and Zoning Change for Route 1 Motorsports be recommended for approval to the Town Council based upon the fact that the Land Use Amendment and Zoning Change from R/LC to CG is Consistent with the Town's Comprehensive Plan and Policies, Compatible with the surrounding area, and the site is Capable of handling the uses within the CG District.

•Motion to recommend denial

I Move that the Land Use Amendment and Zoning Change for Route 1 Motorsports be recommended for denial to the Town Council based upon the fact that the Land Use Amendment and Zoning Change from R/LC to CG is Inconsistent with the Town's Comprehensive Plan and Policies, Incompatible with the surrounding area, and the site is not Capable of handling the uses within the CG District.



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

**TOWN OF MALABAR
NOTICE OF
PUBLIC HEARING**

The Malabar Town Council will convene at the Council Chambers, 2725 Malabar Road, Malabar, Florida at 7:30PM on June 17, 2019 to hold a Public Hearing and consider a request for an amendment to the Future Lane Use and Zoning Maps from Residential Limited Commercial to Commercial General. The request involves three parcels in Township 28, Range 38, Section 31 and known as 54-D-1, 54-D-2 and 54-D-12 totaling .82 acres +/- . The applicant, Kellwill LLC is requesting the parcels be changed from mixed use Residential/Limited Commercial (R/LC) to Commercial General (CG). The property is generally located at the northeast corner of Malabar Road and East Railroad Avenue.

Case 2019-0617-3: Applicant is Kellwill LLC, represented by Mr. William Carmine. The Planning and Zoning Board will hear the request for this change at their meeting on Monday, June 10, 2019 at 7:00PM and make a recommendation to Council.

If you received this notice then you are listed as an owner of property, as shown in the records of Brevard County Property Appraiser's office, within 500' of the applicant's location. This Notice is provided as courtesy information and in compliance with the Town's desire to inform the public.



PUBLIC NOTICE

CASE NO. SSA-ZC-1-2019

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

Planning and Zoning Board Meeting:
Wednesday, **June 10**, 2019 @ 7:00 pm

Town Council Meeting:
Monday, **June 17**, 2019 @ 7:30 pm

APPLICANT: William Carmine, aka Kellwill LLC

REQUEST: COMPREHENSIVE PLAN MAP CHANGE & ZONING CHANGE FROM RL/C TO CG

Ordinance 2019-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA CHANGING THE COMPREHENSIVE PLAN MAP AND ZONING MAP THE THREE (3) PROPERTIES LOCATE IN THE SNEDEKERS SUBDIVISION AS FOLLOWS:

- VACANT PARCELS ON MALABAR ROAD, MALABAR, FLORIDA IN TOWNSHIP 28, RANGE 38, SECTION 31, LOT 54-D-1, LOT 54-D-2 AND LOT 54-D-12 FROM RESIDENTIAL/LIMITED COMMERCIAL (R/LC) TO COMMERCIAL GENERAL (CG) PROVIDING FOR AMENDMENT TO THE OFFICIAL TOWN ZONING MAP; PROVIDNG AN EFFECTIVE DATE.

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



TOWN OF MALABAR

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TOWN OF MALABAR
2725 MALABAR RD

MALABAR, FL, 32950

AD#3598710, 5/31/2019

TOWN OF MALABAR
NOTICE OF PUBLIC HEARINGS

The Town of Malabar's Planning and Zoning Board shall conduct a Public Hearing on Monday, June 10, 2019 at 7:00P.M. to consider a request for a future land use and zoning map change from R/LC to CG. The Malabar Town Council, Brevard County, Florida will convene in the Town Hall, 2725 Malabar Road, Malabar, Florida on Monday, June 17, 2019 at 7:30 PM or as soon thereafter as the matter can be heard, to conduct a public hearing on the same request and to consider the recommendation from the Planning and Zoning Board. Copies of these documents are available in the Clerk's office for review, 2725 Malabar Road, Malabar, Florida, during regular business hours. All interested parties may appear and be heard at this meeting of the Town Council with respect to these topics. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office, ADA Coordinator, 48 hours in advance of the meeting at 321-727-7764. Debby Franklin, CMC, Town Clerk/Treasurer

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
Before the undersigned authority personally appeared Debbie Davis, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

as published in FLORIDA TODAY in the issue(s) of:

05/31/19

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 31th of May 2019, by Debbie Davis who is personally known to me

Affiant

Notary Kathleen A Gibson



Publication Cost: \$77.11
Ad No: 0003598710
Customer No: BRE-6TO207

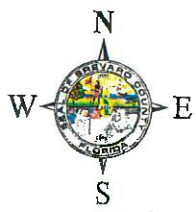
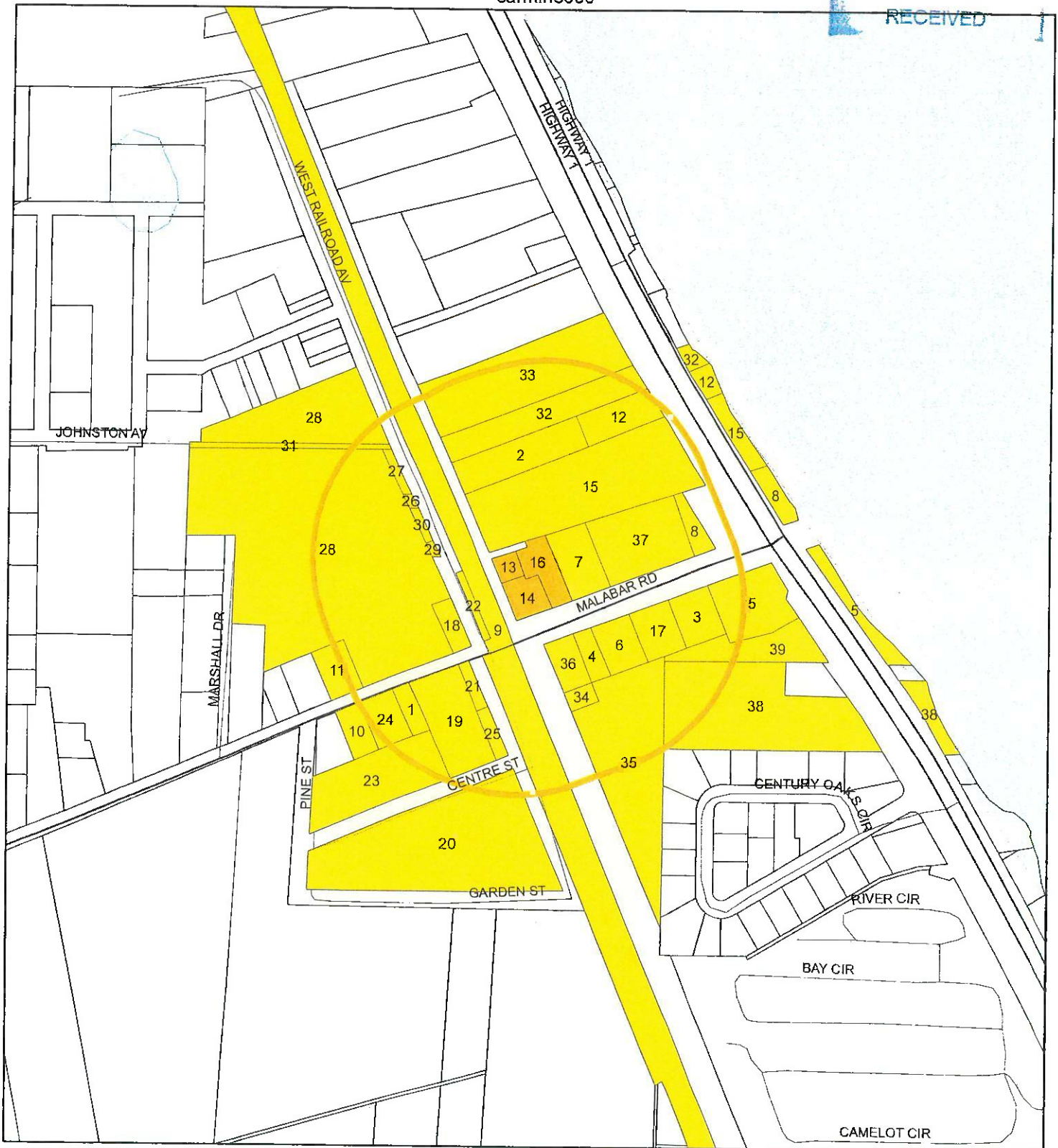
RADIUS MAP

TOWN OF MALABAR

ROUTE 1 MOTORSPORTS

carmine500

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1:4,800 or 1 inch = 400 feet

Buffer Distance: 500 feet

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

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

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

CARMINE, William

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

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

CARMINE LLC
PO BOX 600835
MALABAR FL 32950-0835

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

DEVVRAT CORPORATION INC
1360 HIGHWAY 1
MALABAR FL 32950-

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

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

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

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

GOURLAY, ROBERT E, JR
2655 MALABAR RD
MALABAR FL 32950-4427

GOURLAY, ROBERT EARL, JR
2655 MALABAR RD
MALABAR FL 32950-4427

KAMDEN HOMES LLC
1049 EBER BLVD, STE 104
MELBOURNE FL 32904-8767

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

KELLWILL LLC
PO BOX 587
GRANT FL 32949-0587

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

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

LOTUS GROUP INVESTMENTS INC
PO BOX 500928
MALABAR FL 32950-0928

MALABAR, TOWN OF
2725 MALABAR RD
MALABAR FL 32950-

MARKS, ROBERT D
1100 NE BROOK NE ST
PALM BAY FL 32905-4902

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

NEACSU, ELIZABETH EMANUEL
1256 S US HIGHWAY 1
MALABAR FL 32950-6911

PROCTOR, DOUGLAS K
2460 MALABAR ROAD
MALABAR FL 32950-

RAY, DEANNE HUGGINS
PO BOX 500175
MALABAR FL 32950-0175

SMITH, DEBRA A
1410 HIGHWAY 1
MALABAR FL 32950-

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

Route 1 Motorsports Unlimited Inc.
1300 S. US Hwy 1
Malabar, FL 32950

TD BANK
65-1462670

12301

PAY TO THE ORDER OF
Town of Malabar

*** One Thousand Five Hundred Dollars and 00 Cents ***

DATE 03/27/2019
\$ 1,500.00
DOLLARS

Town of Malabar
2725 Malabar Road
Malabar, FL 32950

MEMO

Handwritten signature

⑈012301⑈ ⑈067014822⑈ 4254123534⑈

Route 1 Motorsports Unlimited Inc. Town of Malabar
Invoice No. Inv Date Description
Land Use App. 03/27/2019 Application for Land Use Amendment and Z
Discount Taken Amount Paid
\$0.00 \$1,500.00

RECEIPT No. 496643

DATE 4/9/19
FROM Route 1 Motorsports U \$1500.00
DOLLARS

TOWN OF MALABAR
FOR RENT
12 + 20 DOLLARS CHARGES

<input type="radio"/> CASH	FROM	TO
<input checked="" type="radio"/> CHECK	CC# 12301	
<input type="radio"/> MONEY ORDER	BY <i>D. Williams</i>	
<input type="radio"/> CREDIT CARD		

\$1,500.00

**TOWN OF MALABAR
AGENDA ITEM REPORT**

AGENDA ITEM NO: 4
Meeting Date: June 17, 2019

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Amend Article XIX, Sign Regulations (Ordinance 2019-06) First Reading

BACKGROUND/HISTORY:

The sign ordinance was reviewed by Council at the June 3, 2019 meeting. CM Ball mentioned the reference to licenses in the ordinance. The Attorney was requested to review and modify if necessary. The Attorney has made the changes and they show in red in the proposed ordinance.

If approved at first reading, the ordinance will be legally advertised and will be on the July 1 agenda for second reading, Public Hearing and final adoption.

ATTACHMENTS:

Ordinance 2019-06

ACTION OPTIONS:

Approve 1st Reading

ORDINANCE 2019-06

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY; AMENDING IN FULL ARTICLE XIX; AMENDING DEFINITIONS; AMENDING SECTIONS RELATING TO EXEMPTIONS; PROVIDING FOR REGULATIONS OF TEMPORARY SIGNS; PROVIDING FOR PROHIBITED SIGNS AND EXCEPTIONS; PROVIDING FOR SIGN REGULATIONS FOR ALL ZONING DISTRICTS; PROVIDING FOR SIGNS EXEMPT FROM PERMITTING; PROVIDING FOR PROHIBITED SIGNS AND EXEMPTIONS; PROVIDING FOR ADMINISTRATION, ~~ANNUAL LICENSE~~; PROVIDING FOR APPEALS AND VARIANCE; PROVIDING FOR REGULATIONS OF NONCONFORMING SIGNS; PROVIDING REGULATIONS CONCERNING HAZARDOUS SIGNS; PROVIDING FOR PERMITS, ~~CERTIFICATE AND LICENSE FEES~~; PROVIDING FOR GENERAL SIGN REGULATIONS; AMENDING TABLE 1-19.18; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, The Town adopted a Sign Code which is part of the Town’s Land Development Regulations; and,

WHEREAS, the United States Supreme Court issued a decision in Reed v. Town of Gilbert, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444, 25 Fla. L. Weekly Fed. S 383 (U.S. 2015), whereby the Court held that content based sign regulations violate the First Amendment to the United States Constitution; and,

WHEREAS, the United States Supreme Court provided that local governments have ample content-neutral options available to resolve problems with safety and aesthetics, including, sign size, building material of signs, lighting, moving parts, portability, restricting location on public property, view obstruction, distraction to motorists, and such signs as traffic signs and signs identifying hazards, or street number signs may be justified by traditional safety concerns; and,

WHEREAS, the Town is amending its sign code to comply with the ruling of the United States Supreme Court to provide content-neutral regulations.

SECTION 1. Article XIX of the Land Development Code of the Town is amended in full to read as follows

Section 1-19.1. - Definitions.

For the purposes of this article certain words and terms shall be interpreted as follows:

Abandoned Sign. A sign is considered abandoned if a business advertised on that sign is no longer ~~licensed-holds a business tax receipt~~, no longer has a certificate of occupancy, or is no longer doing business on that location.

Banner/Flag. A sign having characters, letters, illustrations or ornamentations applied to cloth, paper or fabric of any kind with only material for a backing. The term shall include any animated, inflatables, rotating and/or fluttering device designed to attract attention.

District shall mean the various zoning districts established and described by the land development code.

Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Erect shall mean to build, construct, attach, hang, place, suspend, affix and, this shall include the painting of wall signs.

Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Ground Mounted. A sign which extends from the ground or has support which places the bottom of the sign less than two (2) feet from the ground.

Height. Maximum height is the vertical distance between the uppermost portion of a sign and ground level and minimum height is the vertical distance between the lowermost point of a sign and ground level.

Highway Sign. A Freestanding sign or Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

Integral. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or other material attached to the building façade.

Non-Conforming shall mean any existing sign which was lawful at the time of the enactment of the ordinance from which this article was derived but which does not conform to the provisions of this article and to the most recently enacted land development code of the Town.

Off site-sign. A sign which has no relation to the property it is located on.

Placement shall mean the location which a sign occupies on a lot or building.

Public Body shall mean any government or government agency of the Town, Brevard County, State of Florida, or the United States Government.

Replacing shall mean rebuilding, enlarging change in size, structure, or lettering other than maintaining original sign.

Sign shall mean a device which gives information to people that see it.

Sign Area shall mean that area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for

the sign background, whether it be columns, a pylon, or a building; or part thereof, shall not be included in the sign area. In measuring the area of a double-faced sign, only one face shall be calculated to determine the total area.

Sign Construction Class shall mean the manner in which any sign type is constructed and/or located, and in this article shall include as defined below:

- (1) *Animated, Spectacular or Intensely Lighted sign* shall mean any sign of which all or any part thereof revolves, swings or moves in any fashion whatsoever, and any sign which contains or uses for illustration any light, lights or lighting device or devices which change color, flash or alternate, shows movement or motion, or change the appearance of said sign or any part thereof automatically, including wind operated devices, this also includes Electronic, LED, and Digitally operated devices.
- (2) *Beacon Light* shall mean any light with one or more beams capable of being directed in any direction or directions, or capable of being revolved automatically, or capable of having any part thereof revolve automatically, or a fixed, flashing, or rotating high intensity light or beam, or light.
- (3) *Detached* shall mean a sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface such as a fence or wall not a part of a building, shall be considered a detached sign.
- (4) *Flashing* shall mean any sign on which the electrical lighting device or devices go on or off alternately, either all of such lights or lighting devices or part thereof. Any revolving illuminated sign shall be considered a flashing sign.
- (5) *Marquee* shall mean any sign attached to or projecting from a building, whether or not such a sign is capable of being raised or lowered to a position flat against a wall.
- (6) *Portable* shall mean any sign which is not securely and permanently attached to the ground or a building or other approved structure, such as banner/flag signs.
- (7) *Projecting* shall mean any sign that is affixed to any building, wall, or structure extending more than twelve (12) inches beyond such building, wall or structure. The term projecting sign includes a marquee sign.
- (8) *Snipe* shall mean any temporary sign of not over four (4) square feet in area.
- (9) *Wall* shall mean any sign which is erected on the wall of any structure or part of a structure and is not more than twelve (12) inches from that structure, including any sign which is painted or otherwise directly on the wall of any structure.

Sign, Double-Faced shall mean a sign with two (2) parallel or nearly parallel faces back to back and located not more than twenty-four (24) inches from each other at the nearest parts. A double-faced sign shall be considered a single sign.

Sign, Directly Illuminated shall mean a sign designed to give forth artificial light itself and/or designed to reflect light from one or more sources of artificial light that are part of the sign.

Sign, Indirectly Illuminated shall mean a sign which does not produce artificial light from within itself but which is opaque and backlighted or illuminated by spot lights or floodlights.

Sign, Number shall mean for the purpose of determining the number of signs, a sign shall be considered to be a display and/or display device containing elements organized, related,

and/or composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

Sign Structure shall mean any construction designed to support a sign is considered separate from the sign itself.

Sign Type shall mean any one of the various signs as defined below:

- (1) *Accessory* shall mean a sign relating only to the premises on which the sign is located.
- (2) *Billboard* shall mean any sign or display that has no relation to the property it is located on, and over sixty (60) square feet.
- (3) *Construction* shall mean a temporary sign erected on a building site between the time of the issuance of the building permit and the completion and/or occupancy.
- (4) *Directional* shall mean any sign less than three (3) square feet in area used for public direction.
- (5) *Directory* shall mean signs which are located in close proximity to entrances of buildings generally used as a message board to assist visitors who desire to enter or use the building.
- (6) *Future Improvement* shall mean a temporary sign located on vacant land, parcel or lot prior to the issuance of a building permit on the site on which the sign is located.
- (7) *General Outdoor Advertising* shall mean any sign which is not herein described or limited by these definitions and regulations.
- (8) Temporary. Balloons, banners, flags, pennants, posters, portable signs, snipe or advertising displays constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended to be displayed for a limited period of time.

Section 1-19.2. - Purpose and intent.

The purpose of these regulations is to promote the public safety, comfort, convenience, aesthetics, amenities, prosperity and general welfare of the Town. More particularly, these regulations which control the location, type, size, height, and illumination of signage and displays are intended to establish compatible land use character, an orderly appearance and stabilize land values.

Section 1-19.3. - Exemptions.

The following are exempted from the provisions of these regulations which require a permit, certificate, license or fee for erection or maintenance: Also, any and all allowed &/or required Federal, State, County, &/or Local Signage or Flags as covered per their regulations and as such shall abide by their rules and regulations relating to each. These may be regarding Public Display for; information, location, display protocol, public safety, traffic safety, etc.

The following signs are authorized in every area:

- (1) Signs not visible from areas other than the site on which they are located;

- (2) Integral decorative or architectural features of structures, except letter, trademarks, moving parts, or moving lights.
- (3) Memorial, historical signs, tablets or plaques or names of buildings and date of erection; when the same are permanent.
- (4) Changing the copy of a bulletin board, poster board, display encasement, or marquee provided, that the device upon which the copy is located meets all the requirements of this article;
- (5) Decals affixed to or signs painted on equipment used for dispensing retail products or services where such signs are not displayed in connection with a commercial promotion or as an advertising device;
- (6) Temporary signs as provided for in 1-19.10
- (7) Signs on motor vehicles while in use in the normal course of business. This section shall not be interpreted to permit parking of a vehicle or portable trailer on which signs are attached or painted in a manner or location where such signs are not permitted in order to avoid the requirements of this article.

Section 1-19.3. 1 (intentionally left blank)

Section 19.3.2 Prohibited Signs and Exceptions.

The following signs and message devices shall be expressly prohibited in all zoning districts, except as otherwise authorized by this Ordinance:

The following signs are strictly prohibited:

(A) Signs in public areas. No sign shall be placed or permitted to be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or any other surface located on public property or right-of-way or over or across any street or public thoroughfare, except as may otherwise be authorized by this Ordinance. Signs shall be considered litter and removed by the town without notice.

(B) Unclassified signs. The following signs having no distinct classification shall be prohibited:

- (1) Signs which bear or containing statements, words or pictures of an obscene or pornographic character or which contain advertising matter which is obviously untruthful or offensive
- (2) Signs which emit audible sound, odor or visible matter; and/or
- (3) Signs which purport to be or are an imitation or resemble official traffic signs or signals or which bear the term "stop," "go slow," "caution," "danger," "warning" or similar term or which because of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as traffic control signs, signals or devices or the light of an emergency or road equipment vehicle or which hide from view any traffic or street sign, signal or device.

(C) Roof signs. No roof signs shall be permitted.

(D) *Billboards.* Except as may be otherwise authorized by town code, billboards are prohibited.

Section 1-19.3.3. Regulations Applicable to all Districts. Additional All regulations relating to signs in all Zoning Districts are found in Table 1-19.18. Such regulations in Table 1-19.18 shall control over any conflicting provision of this sign code.

(E) In addition to the other types of signs permitted in this section a business establishment may erect one additional non-permanent ground sign, not exceeding four (4) square feet. Such sign may be double sided and shall have the sign face made of wood, metal or plastic. The post material for the sign shall be made of either steel or pressure treated wood. The top of the sign when installed into the ground shall not exceed ten (10) feet above the ground upon which it is placed. An application form provided by the Town along with a permit fee established by resolution of the Town council and consent of the owner of the property shall be submitted to the Building Department for review. If the owner does not give their consent no such sign shall be permitted. Any similar signs, including any banner signs, which have been installed or placed on property without a permit shall be removed by the owner of said sign or the proprietor of the business for which such sign relates to within 10 days of written notification of the Town and such notice shall inform the owner of such sign of the provisions, see Table 1-19.18.

Section 1-19.4. - Administration requirements.

A. *Permits/Required Inspections.* Before any sign (other than temporary) is erected, constructed, posted, painted, altered, maintained, affixed, or relocated in the Town, a permit for such sign shall be obtained from the Building Official.

The contractor or owner securing the permit for any sign shall call the Building Official and request an inspection whenever any sign requiring a permit is being installed, and before any concrete is poured; a final inspection shall be requested upon completion. At the time of a request for final inspection, a photograph of the completed sign shall be taken by the inspector. (Minimum 2¼" x 2¼", maximum 3" x 5" for filing purposes.) No sign permit shall be approved unless it has been inspected by the Building Official and it is found to comply with this code, the building code, electrical code, and other applicable land development regulations. Unless otherwise provided herein, all signs shall meet the yard requirements of the zoning district in which the sign is located.

B. *Filing of Application.* Before any permit is issued, an application provided by the Building Official shall be filed in triplicate together with two (2) sets of drawings and/or specifications as may be necessary to fully advise and acquaint the Building Official with the location, construction, materials, manner of illumination, securing, wording of the sign, and any other data that may be required to ensure the enforcement of these regulations. One (1) set of drawings and/or specifications will be returned to the applicant with the permit. A separate application shall be made for each and every sign.

As a minimum the sign application shall include the following information:

- (a) Name, address and telephone number of the sign erector and the sign owner.
- (b) Written statement signed by landowner, or a lease or rental agreement, authorizing the placement of the proposed sign.
- (c) Location of building (or structure) and lot to which or upon which the sign is to be placed or maintained.

- (d) Purpose of sign.
- (e) Estimated value of sign.
- (f) Position of the sign in relation to lot lines, nearby buildings or structures, sidewalks, streets and intersections.
- (g) Type of sign and general description of structural design and construction materials to be used.
- (h) Two (2) copies of detailed scaled drawings of the plans which shall contain specifications concerning structural details of the method of sign construction, installation, [and] anchoring to the building or ground. The specifications shall show height, perimeter and area dimensions, elevations, means of support, method of illumination and any other significant aspect of the proposed sign.
- (i) A statement indicating whether or not an electrical permit is required for said sign and any support data required for the same.
- (j) A layout with sign colors shown or specified.
- (k) Any other information required by the Building Official in order to carry out the purpose and intent of this article.
- (l) All signs having unusual structure features shall be designed by an engineer, who shall submit to the Building Official complete plans and calculations so as to determine whether the sign complies with the Town's Code.

C. *Permit Expiration.* All signs shall be erected on or before the expiration of thirty (30) days from the issuance date of the permit, otherwise the permit shall become null and void and a new permit and fee shall be required.

D. *Notice Required for Violations.* In case any sign shall be installed, erected, constructed, or maintained in violation of the terms of this article, the building inspector shall in writing, notify the owner thereof, to alter, change, or remove, such sign so as to comply with this article with ten (10) days notice.

E. *Revocations.* The Building Official may revoke a permit or approval, issued under the provisions of this Code, if it is found that there has been any false statement, concealment or misrepresentation as to any material fact in the application or plans on which the permit or approval was based.

Section 1-19.5. - (intentionally left blank)

Section 1-19.6. - Appeals and variances.

Matters involving appeal of an administrative decision or variance of these regulations shall be handled pursuant to Section 1-12.2 of Article 12 of the Land Development Regulations.

Section 1-19.7. - Nonconforming signs.

A. *Replacement of Nonconforming Signs.* Any replacement sign needs to meet current codes.

B. *Nonconforming Signs.* There presently exist certain signs that are not in compliance with current regulations, if they were to code when approved and are being maintained they are allowed to remain.

C. *Signs and Disrepair.* A sign should be removed or repaired to original condition. If not repaired within sixty (60) days of written notification, sign will be removed at owner's expense.

Section 1-19.8. - Fees for permits, ~~certificate, and license fees.~~

A. *Status of Fees Required for Signs.* Fees for the issuance of sign permits or certificates and ~~annual licenses or business tax receipts~~ shall be in addition to any other fees, charges, or obligations legally required by the Town.

B. *Schedule of Fees Set By Town Council.* The fee schedule for the issuance of sign permits, certificates of nonconformance, and ~~annual license business tax receipts~~ and the inspections herein authorized or required shall be set by the Town Council and shall be maintained in the Town Clerk's office.

Section 1-19.9. (Intentionally left blank)**Section 1-19.10. – Temporary Signs**

Regulations involving Temporary Signs

(1) The sign face of any temporary sign must not be larger than four (4) square feet.

(2) Temporary Signs shall not require a sign permit

(3) Also, any and all allowed &/or required Federal, State, County, &/or Local Signage or Flags as covered per their regulations and as such shall abide by their rules and regulations relating to each. These may be regarding Public Display for; information, location, display protocol, public safety, traffic safety, etc.

Section 1-19.11. - General regulations.

A. *Signs on Public Property.* No sign shall be placed on property owned or leased by any government agency except by a public body or as otherwise specifically provided herein.

B. *Signs Indicating Point of Public Interest.* Signs indicating points of local interest may be placed on public property only with the express consent and formal approval of the Council.

C. *Signs Affixed to Public Property or Infrastructure.* No signs shall be attached to or painted on utility poles, seawalls, retaining walls or other supporting structure.

D. *Signs On or Over Public Streets.* No sign shall be erected or located on or over any public street, sidewalk, alley, or right-of-way other than duly approved traffic signs authorized by a governmental entity.

E. *Illuminated Signage.* The lighting of illuminated signs shall be controlled in direction, focus, and intensity so as to prevent glare on surrounding streets or property, or any objectionable illumination of nearby property or buildings.

F. *Beacon Light.* No beacon light shall be permitted on a sign in the Town.

G. *Billboards.* No billboards shall be permitted in the Town.

H. *Multiple Street Frontage.* The regulations contained in this article shall apply separately and individually to each street frontage of a premises.

Section 1-19.12. - Construction standards.

All signs shall comply with all applicable standards of the Town's building code, fire code, health code, and all other applicable codes.

Section 1-19.13. - Maintenance.

All signs, together with all their support braces, guys, and anchors, shall be maintained in good repair and appearance. The Building Official may, upon written notice, cause to be removed within sixty (60) days any sign which becomes a safety hazard, or which shows gross neglect or becomes dilapidated or where the area around such sign is not well maintained. Such removal shall be at the expense of the owner or lessee of any sign that is not properly maintained.

Section 1-19.14. (Intentionally left blank)

Section 1-19.15. - Obstructing exits prohibited.

No sign, including guys wires and supports, shall be erected, constructed or maintained so as to obstruct any fire escape, or any window or door opening, used or required as a means of ingress, egress or ventilation, or so as to prevent free passage from one part of a roof in any form, shape, or manner to a fire escape.

Section 1-19.16. - Signs not to constitute a traffic hazard.

No sign shall be placed at any location in the Town where it may interfere with or obstruct the view of any motorist, or be confused with any authorized traffic sign, signal or device. The Town Council shall have the authority to refuse the erection, or to order the removal by the Building Official, if any signs constituting an obstruction to motorists or pedestrians or otherwise are viewed to be impediments to traffic safety or traffic flow.

Section 1-19.17. - Signs not to encroach into electric utility clear zone.

No sign shall be placed closer than eight (8) feet from the nearest part of any utility pole which supports electrical transmission lines. No sign shall be placed closer than eight (8) feet from the nearest part of any electric transmission line. If the National Electric Safety Code is now or hereafter more restrictive than the provisions of this subsection, its more restrictive provisions shall supersede the provisions herein.

Section 1-19.18. - District sign regulations.

The provisions of Table 1-19.8 "Zoning District Sign Regulations" shall apply to each lot or parcel of land, and/or each business establishment as may be applicable in each case. In the following zoning classifications, the specified sign types and construction classes shall be permitted subject to the restrictions and limitations contained herein.

Also, any and all allowed &/or required Federal, State, County, &/or Local Signage or Flags as covered per their regulations and as such shall abide by their rules and regulations relating to each. These may be regarding Public Display for; information, location, display protocol, public safety, traffic safety, etc.

TABLE 1-19.18. ZONING DISTRICT SIGN REGULATIONS

Sign Regulations Within Residential Zoning Districts: (1)

Sign Type	Accessory	Construction	Directory	Directional
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	1	1	1
Maximum Area	4 sq. ft.	32 sq. ft.	10 sq. ft.	3 sq. ft.
Maximum Height	10 ft.	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 12 ft.
Placement	Must observe all yard regulations	Front setback: 10 ft. Side and Rear: 25 ft.	Must observe all yard regulations	Non-Restricted
Illumination	None	None	Indirect	None
Special Regulations	Permitted only in conjunction with a permitted home occupation. See Footnote 1.	Must be removed immediately upon completion of construction or occupancy	None	None

Sign Type	Future Improvement	General Outdoor Advertising
Construction Class	Detached	Wall or Detached
Maximum Number	1	1
Maximum Area	10 sq. ft.	32 sq. ft.
Maximum Height	10 ft.	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.	No signs to impede vision at any intersection
Illumination	None	None
Special Regulations	None	See Footnotes 1 and 2

Sign Regulations Within Non-Residential Zoning Districts: (2)

Sign Type	Accessory	Accessory	Temporary
Construction Class	Wall	Detached, Marquee, and Projecting	Snipe/Signs
Maximum Number	3	2 total from this group	4
Maximum Area	10% of the wall area, and no more than 60 sq. ft. of cumulative area	60 sq. ft. total cumulative area	4 sq. ft. each
Maximum Height	Roof line of building	Detached: 25 ft. Others: Roof line of building	Roof line of building
Placement	Non-Restricted	Must observe yard regulations and Front setback: 10 ft.	Must observe yard regulations
Illumination	Direct, Indirect	Direct, Indirect	None
Special Regulations	See Footnotes 1, 3, and 4	See Footnotes 4 and 5	See Footnote 7

Sign Type	Construction	Directory	Directional	General Outdoor Advertising
Construction Class	Wall or Detached	Wall or Detached	Wall or Detached	Wall or Detached
Maximum Number	1	2	2	1
Maximum Area	32 sq. ft.	Sum of 30 sq. ft.	3 sq. ft. each	Detached: 3 sq. ft. Wall: 10 sq. ft.
Maximum Height	Detached: 10 ft. Wall: Roof line of building	10 ft.	Detached: 3 ft. Wall: 10 ft.	10 ft.
Placement	Front Setback: 10 ft. Rear and Side: 25 ft.	Must observe all yard regulations	Non-Restricted	Front setback: 10 ft. Rear and Side: 25 ft.
Illumination	Indirect	Indirect	Indirect	Indirect
Special Regulations	Must be immediately removed upon completion of construction or occupancy	None	None	See Footnotes 1 and 2

SECTION 6. Inclusion in Code. It is the intention of the Town Council of Malabar that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Sign Regulations Within Non-Residential Zoning Districts: (3)

Sign Type	Future Improvement
Construction Class	Detached
Maximum Number	1
Maximum Area	32 sq. ft.
Maximum Height	10 ft.
Placement	Front setback: 10 ft. Side and Rear: 25 ft.
Illumination	Indirect
Special Regulations	None

Footnotes to charts:

- (1) All inside signs within five (5) feet of a window shall be counted as wall signs and in addition shall not exceed twenty (20) inches of the glassed area of the window in which the sign is located.
- (2) Only permitted are those signs which may be off the premises for which they relate and are within two hundred (200) feet of the property for which they relate to. However, if the sign is three (3) square feet or less in area, the property to which the sign relates may be within one (1) mile of the sign.
- (3) Apartment complexes and dwellings of up to ten (10) units are permitted thirty-two (32) square feet. For excess of ten (10) units, one (1) square foot may be added for each unit, up to a maximum of forty-eight (48) square feet in cumulative area.
- (4) If illumination/animation is permitted a minimum refresh rate is six (6) seconds
- (5) One additional sign of this construction class up to thirty (30) square feet in area shall be permitted for each two hundred (200) feet of street frontage.
- (6) For a group of more than four (4) sites and in lieu of the nine (9) square foot individual lot sign, one thirty-two (32) square feet shall be permitted.
- (7) minimum distance between Temporary Signs shall be 20 feet.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. Inclusion in Code. It is the intention of the Town Council of Malabar that the provisions of this ordinance shall become and be made a part of the Town Code, and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Effective Date. This ordinance shall take effect upon adoption.

SECTION 7. The foregoing Ordinance was moved for adoption by Council Member _____ . The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

Passed and adopted by the Town Council, Town of Malabar, Brevard County, Florida this ____ day of _____, 2019.

TOWN OF MALABAR

BY:

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 5
Meeting Date: June 17, 2019

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Acceptance of the FY 2017 / 2018 Financial Audit (Reso 10-2019)

BACKGROUND/HISTORY:

The audit process for FY 2017/2018 began In December last year, the Town Council approved the Auditing Services of James Moore, CPA for the fiscal years of 16/17, 17/18, 18/19 and 19/20.

Normally the Audit review for the prior year is presented to Council in March or April. Due to the late start it was delayed somewhat this year.

Each Council Member and the Mayor were provided hard copies of the audit and have had the opportunity to meet with the auditors one on one.

Once the audit is accepted by Council, it will be placed on the website and sent to the State.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Resolution 10-2019

FY 2017/2018 Financial Report (previously distributed)

ACTION OPTIONS:

Approval of Resolution 10-2019 accepting the Audit Report for FY 2017/2018.

RESOLUTION 10-2019

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING ACCEPTANCE OF THE ANNUAL AUDIT REPORT PROVIDED FOR FISCAL YEAR 2017/2018 BY THE AUDIT FIRM OF JAMES MOORE AND CPA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an audit was conducted from December 2018 to June 2019, and all areas of the Town operations were tested; and

WHEREAS, a copy of such Audit Report is attached as Exhibit "A" to this resolution; and

WHEREAS, the Town Council is satisfied that the audit report accurately reflects the financial condition of the Town's finances for the FY ending September 30, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby ratifies, confirms, and certifies the annual audit report for the FY 2017/2018 attached to this resolution and identified as Exhibit "A".

Section 3. That a certified copy of this Resolution shall be delivered with the audit report to the State Auditor General per Auditor General Rule 10-558(3).

Section 4. This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member Dick Korn	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 17th day of June, 2019.

TOWN OF MALABAR

By:

Mayor Patrick T. Reilly,
Council Chair

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

Approved as to Form and Content:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

AGENDA ITEM REPORT

AGENDA ITEM NO: 6
Meeting Date: June 17, 2019

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

SUBJECT: Approve the New Street Name "Taylor Lane" for the ROW known as Samantha (Reso 11-2019)

BACKGROUND/HISTORY:

The right-of-way running south of Hall Road adjacent to Ray's Lane was originally named Samantha Lane in 2005 by the road builder. The home has been sold and the new owners would like to change the name to Taylor Lane. We have asked the Brevard County E-9-1-1 Department to review and we have received confirmation that the name is consistent with their enhanced database.

If approved we will record and forward a copy to the County and the Post Office.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

Resolution 11-2019

ACTION OPTIONS:

Approval of Resolution 11-2019

RESOLUTION 11-2019

A RESOLUTION OF THE TOWN OF MALABAR PROVIDING FOR THE REPEAL OF RESOLUTION OF 01-2005 NAMING THIS RIGHT OF WAY SAMANTHA LANE; PROVIDING FOR THE NEW NAME OF THIS RIGHT OF WAY SOUTH OF HALL ROAD TO BE TAYLOR LANE FOR A DISTANCE OF 1,200 FEET IN SECTION 1, TOWNSHIP 29, RANGE 37; PROVIDING FOR THE FORWARDING OF THIS INFORMATION TO BREVARD COUNTY ADDRESS ASSIGNMENT FOR E 9-1-1 EMERGENCY IDENTIFICATION PURPOSES; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar has the responsibility of naming rights-of-way within its jurisdiction through coordination with Brevard County Address Assignment for E 9-1-1 purposes; and

WHEREAS, this right-of-way was originally named Samantha when the first 350 feet were improved and accepted by the Malabar Town Council. A new homeowner now lives in that home and has requested the name change.

WHEREAS, Brevard County E-9-1-1 Addressing Administration has confirmed that the new name of Taylor Lane does not conflict with the addressing standards.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. That the Town Council of Malabar approves the new name of Taylor Lane on the right of way within Malabar located on the south side of Hall Road in Section 1, Township 29 and Range 37 south of the right-of-way known as Ray's Lane.

SECTION 2. That the Town of Malabar directs that this resolution be recorded at the Clerk of Courts and a copy be forwarded to Brevard County Address Assignment for input into the E 9-1-1 database and additional copies be sent to the Post Office serving that area, the Supervisor of Elections, and all concerned public safety agencies for their information, and that the proper notations be made on all maps of record.

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

SECTION 5. This resolution shall take effect immediately upon its adoption.

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

Council Member Grant Ball _____

Council Member Brian Vail _____

Council Member Steve Rivet _____

Council Member Dick Korn _____

Council Member Danny White _____

This Resolution was then declared to be duly passed and adopted this 17th day of June 2019.

TOWN OF MALABAR

By: _____

Mayor Patrick T. Reilly, Council Chair

Approved as to form and content:

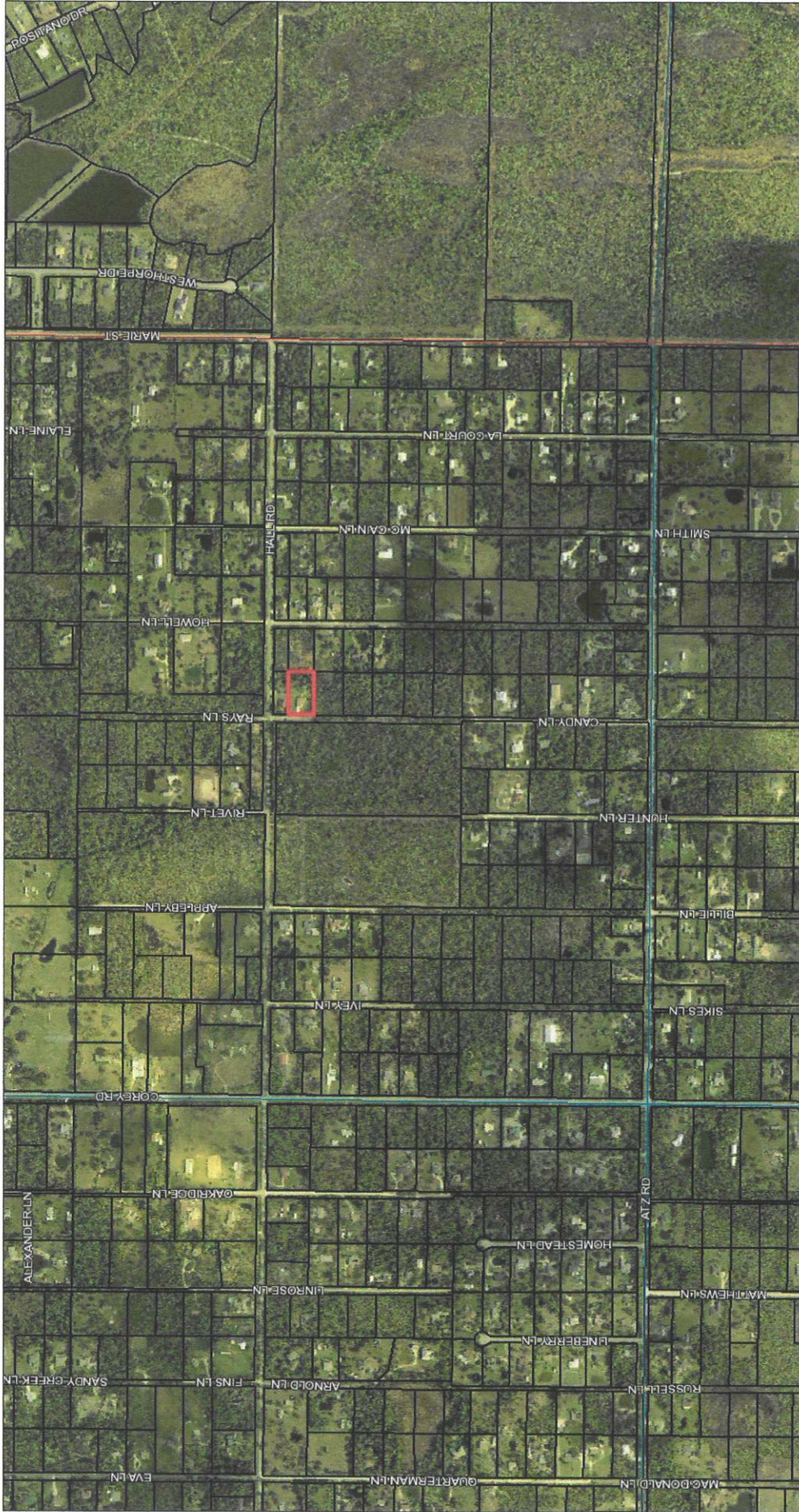
Karl W. Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin, CMC
Town Clerk/Treasurer

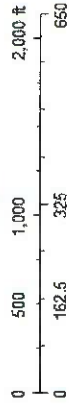
(seal)

Brevard County Property Appraiser



June 7, 2019

1:8,000



2844850
Engle/kev Pictometry BCPAC

For illustration only. Not a survey. Map layers may not precisely align.
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BOARD OF COUNTY COMMISSIONERS
Emergency Management

April 23, 2019

Denine Sherear
Administrative Asst. to Building Official
Town of Malabar
2725 Malabar Road
Malabar, FL 32950

Dear Ms. Sherear:

RE: Street Name Request: (Taylor Lane) T29-R37-S01

Our office was contacted regarding street name approval for the above referenced property located within your town limits. The below listed street name has been reserved for a two year time period. If this name is not implemented within this time frame and another customer requests the name, it will be released for their use. Therefore, if the applicant still wants to utilize the street name, they need to contact this office to re-reserve the name.

Taylor Lane*

***Note:** Street suffix/type is determined and approved by the City.

Your town council needs to complete (and record with the clerk's office) a resolution or ordinance to assure placement of the new street name on the official maps of record. Please forward a copy of the recorded document to our office for processing and we will input the new street name and address range into the Enhanced 9-1-1 Database and Mapping System.

Your continued cooperation is appreciated. If you need any further assistance you may reach our office at (321) 690-6846 or by email at address.assign@brevardfl.gov.

Sincerely,

Penny L. Christian
9-1-1 Addressing Specialist
Brevard County E9-1-1 Administration

:PLC



9-1-1 Administration/Address Assignment
2725 Judge Fran Jamieson Way
Building A, Suite 120
Viera, Florida 32940

RESOLUTION 01-2005

A RESOLUTION OF THE TOWN OF MALABAR PROVIDING FOR THE ADOPTION OF SAMANTHA LANE AS A NEW MALABAR STREET NAME; PROVIDING THE FORWARDING OF THIS INFORMATION TO BREVARD COUNTY ADDRESS ASSIGNMENT FOR E 9-1-1 EMERGENCY IDENTIFICATION PURPOSES; PROVIDING FOR THE POSSIBILITY OF RE-NAMING; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar has the responsibility of naming rights-of-way within its jurisdiction through coordination with Brevard County Address Assignment for E 9-1-1 purposes; and

WHEREAS, Brevard County Address Assignment has approved of Samantha Lane for a right of way within Malabar, being more particularly described as follows: Commence at the south side of ~~Atz~~ *Hall* Road in Section 01, Township 29, Range 37, south of the right-of-way known as Ray's Lane and continue south for a distance to be determined by road improvement applications.

WHEREAS, after adoption of this new street name, the applicants requesting improvement of said right of way shall be notified of the approved street name, and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. That the Town of Malabar approves of the new name "Samantha Lane" for the right-of-way described above.

SECTION 2. That the Town of Malabar directs that this resolution be recorded at the Clerk of Courts and a copy be forwarded to Brevard County Address Assignment for input into the E 9-1-1 database and additional copies be sent to the Post Office serving that area, the Supervisor of Elections, and all concerned public safety agencies for their information, and that the proper notations be made on all maps of record.

SECTION 3. If the Samantha Lane right-of-way should ever connect to the existing and accepted road right-of-way Candy Lane (north of Atz Road). The name Samantha Lane shall no longer exist and the entire length of the road right-of-way from Hall Road going south to Atz Road, shall be known as Candy Lane and those property owners who have built on the section known as Samantha Lane will be notified by the Town that their addresses have changed.

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

SECTION 5. Should any Section, Clause, or Provision of this Resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions or parts of this Resolution.

SECTION 6. This resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member *Rivet*. The motion was seconded by Council Member *Rossman* and, upon being put to a vote, the vote was as follows:

- Council member Frank Hickson
- Council member Brian Vail
- Council member Steve Rivet
- Council member Bobbi Moccia
- Council member Bob Rossman

Aye
Aye
Aye
Aye
Aye



CFN:2005087929 03-14-2005 12:46 pm
OR Book/Page: 5435 / 6419

This Resolution was then declared to be duly passed and adopted this 7th day of February, 2005.

TOWN OF MALABAR

By: *Tom Eschenberg*
Mayor Tom Eschenberg



Scott Ellis

Clerk Of Courts, Brevard County

#Pgs: 1	#Names: 2	Serv: 0.00
Trust: 1.00	Rec: 9.00	Excise: 0.00
Rec: 0.00		nt Tax: 0.00
Mta: 0.00		