



# REGULAR TOWN COUNCIL MEETING

Monday, June 3, 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

Approve Regular Town Council Meeting Minutes of 05/20/2019

Exhibit : Agenda Report Number 1

Recommendation : Approve Minutes

**Attachments:**

- Agenda Report Item 1 (TownCouncilMinutes0520\_2019Draft.pdf)

5. ATTORNEY REPORT
6. BCSO REPORT
7. BOARD / COMMITTEE REPORTS
  - a. T&G Committee
  - b. Park & Recreation Board
  - c. Planning & Zoning Board
8. STAFF REPORTS
  - a. Administrator
  - b. Clerk
  - c. Fire Chief
  - d. Public Works

9. PUBLIC COMMENTS

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

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

**10. PUBLIC HEARINGS / SPECIAL ORDERS**

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

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

**12. ACTION ITEMS**

ORDINANCES: 0

RESOLUTIONS: 0

MISCELLANEOUS: 3

**a. Set Workshop Dates for Capital Improvements Projects, Roads, Budget**

Exhibit : Agenda Report Number 2

Recommendation : Action - Direction to Staff

**Attachments:**

- Agenda Report Item 2 (2019\_Council\_mtgs\_and\_holidaysREV.pdf)

**b. Proposed Sign Ordinance from Planning and Zoning Board**

Exhibit : Agenda Report Number 3

Recommendation : Action - Direction to Staff

**Attachments:**

- Agenda Report Item 3 (PZ\_Memo\_Sign\_Ordinance.pdf)

**c. Appoint Voting Delegate for the F.L.C. Annual Conference**

Exhibit : Agenda Report Number 4

Recommendation : Action - Direction to Staff

**Attachments:**

- Agenda report Item 4 (Conf\_Delegate.pdf)

**13. DISCUSSION/POSSIBLE ACTION**

**14. PUBLIC COMMENTS**

General Items (Speaker Card Required)

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

**16. ANNOUNCEMENTS**

**17. 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**

**MAY 20, 2019 7:30 PM**

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

**A. CALL TO ORDER:**

Chair, Mayor Patrick Reilly called the meeting to order at 7:30 pm. CM Korn 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, excused
TOWN ATTORNEY:	KARL BOHNE
TOWN PLANNER:	TOD MOWERY
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

**C. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: NONE**

**D. CONSENT AGENDA:**

**1. Approval of Minutes**

**Regular Town Council Meeting Minutes 5/06/19**

**MOTION:** CM Rivet / CM Ball to approve the 5/6/19 regular meeting minutes as submitted.

Discussion: none. **Vote:** 5 Ayes

**E. ATTORNEY REPORT:** Nothing currently.

**F. BCSO:** N/A

**H. STAFF REPORTS:**

**ADMINISTRATOR:** TA excused

**CLERK:** Remind Council of the need for articles for the MailBoat

**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:** Dorthea White wanted Council to consider putting money into the next budget for paint and carpet. She would paint if they would buy some paint. Also put in some carpet. She got bids on carpeting and gave it to TA. Take pride in appearance of building.

**J. PUBLIC HEARINGS/SPECIAL ORDERS:**

**2. Adopt Budget Amendment to FY 2018/2019 Budget (Ord 2019-05) – Second reading**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2018/2019 TO PROVIDE FOR REALLOCATION OF FUNDS WITHIN DEPARTMENTS; PROVIDING FOR ADDITIONAL FUNDS FROM UNRESTRICTED FUNDS ON DEPOSIT; TO PROVIDE FOR THESE ADDITIONAL EXPENDITURES AS APPROVED BY COUNCIL; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Adopt Ord 2019-05

Ord read by title only.

Chair asked for staff comments. Franklin stated comments were covered in the agenda report.

**PH OPEN:**

Dan Welton – he understands the need for staffing. Volunteers can't do it anymore. Now we have proper staffing, need some operational savings. Comparisons with Palm Bay and Brevard Cty providing services can be investigated but if they are significantly higher keep our own Fire Dept. Indialantic has the same staffing. They have a higher millage. Basic life support. He will support the extra funding but would like to see some recurring operational savings.

Tom Wilson, Smith Lane, he has done the numbers – the direct comparisons with Brevard County providing – the numbers are not even close. The amount of service to the cost. The average cost for GV based on MSTU it would cost 1.3mil. Reiterate, residents pay about 35% of the costs. For the increase he would be happy to pay more.

**PH CLOSED:**

**MOTION:** CM Vail / CM Korn to adopt the Ordinance 2019-05 for a Budget Amendment to increase the FY 2018/2019 Fire Dept budget by \$16,298.00.

Discussion:

CM Vail said this is a BA for the next 4 months. As a citizen, when there is an emergency, he wants the FD to be able to respond. We have a lot more to talk about in the budget prep that will be discussed later in the budget workshops. When tones go out he wants to make sure there are at least 2 people responding.

CM Rivet said he will support this BA, but the next budget should replace it in reserves.

CM Ball thinks we should put the question to the residents. This budget amendment also is taking money from the approved budgets of other departments.

CM White said it is disingenuous to say it is only 16K from reserves; there are other depts that have now lost funds that were approved. No one wants to see the Town not protected. He heard there were 4 PT FF and they were in fear of losing two of them. That happens; it is not an emergency. He has seen comparisons with the costs of having Palm Bay and the County to provide services. He wants to get rid of some of the hyperbole. Saying get rid of the FD is not under consideration. We don't want to get rid of our FD.

The total cost of the FD is coming – he is not about raising taxes – there are other parts of this Town that need attention also. Saw on social media that the "Town" unionized the FD. No, the law allows the fire fighters to unionize. He would like the people in the Town to know that the Malabar FD is a good thing. Going to Brevard Cty FD by Special Fire Assessment would cost residents more. This is a staffing thing – not part of the union thing. Ask the residents if they want that – TA Matt Stinnett said they need another 200K in annual budget for all the capital improvement projects that need funding. He will pay an increase of property taxes for his house from \$419 to about \$615 for millage increase, if approved. He proposes putting it on as a ballot question. But Council must make the case for it. He said at no point do they want the FD to take a bigger piece of the current budget. He will be a no vote on this.

CM Korn – if you have your own business – the unemployment rate is so low. The union has nothing to do with this. Making the PT FF eligible for health insurance. We are here to deal with the remainder of this year, deal with the employment crisis – keep qualified employees to drive a very expensive piece of equipment and provide EMT. He has also talked about taking the 16K from reserves and paying it back. Chief and the FD staff have been phenomenal in getting grant money. Maintain what we have and then decide about the budget in July, August and Sept.

CM White asked again you don't want to give up anything because you can't take it back. This is not a temporary fix – it will be permanent.

CM Vail worst case scenario – shift them back to part-time without adverse impact. This is an issue, as a town we have to provide public safety. It is obvious the level of service.

CM White said what about going to 24/48 shifts. CM Vail said we will have further discussions at future meetings. If we are putting residents at risk.

CM Korn we have the responsibility to maintain the health safety and welfare of the residents.

CM Ball thinks it is a budget issue and it should be put off until budget time.

**Roll Call VOTE:** CM Ball, Nay; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Nay. Motion carried 3 to 2.

### **3. Adopt Comprehensive Plan Amendment 2018-01ER (Ord 2018-06)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING THE COMPREHENSIVE PLAN LARGE SCALE AMENDMENT (LSA) NO. 2018-01ER TEXT AND MAP PERTAINING TO THE FUTURE LAND USE, TRANSPORTATION, PUBLIC FACILITIES AND COASTAL MANAGEMENT ELEMENTS; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3

**Recommendation:** Adopt Ord 2018-06

Ord read by title only.

**PH OPEN:**

none

**PH CLOSED:**

**MOTION:** CM White / CM Vail to adopt the Ordinance 2018-06 for the Comprehensive Plan Amendment 2018-01ER.

Discussion:

CM Vail again stated his desire to change the land use at the SE corner of the Town, the triangle between Hwy 1 and the railroad that is adjacent to Goat Creek should be RLC to allow a bait store and canoe launch.

CM Rivet stated Council came up with a compromise on the depth for the RLC parcels on Malabar Road and some council members changed their support and he is disappointed with that. The other CM don't care about the rural character. This change will mean a massive wealth reapportionment and give it to developers in CA and others. There is no excuse for that decision. What we have elected to do is to take wealth from the Town people and give it to developers.

Mayor said he hopes he is not basing his decision on three lots.

CM Ball said they discussed the lots being divided in the middle. Being a small Town, we have the latitude to accommodate property owners.

CM White said it only takes three votes to kill a good or bad motion. He disagrees with CM Rivet. They decided to keep these parcels all with the same land use designation.

CM Korn said he is not comfortable to vote on this now. His understanding has been that the Town already had a depth of 660 feet. He questioned if the Town would have to provide road access to the rear portions of these parcels to develop.

Mayor said they have already hashed out the lot sizes and held a vote at the last meeting.

CM Vail asked Tod and/or Karl if we could have an overlay for the six parcels and the small piece by Goat Creek.

Malabar Town Planner Tod Mowery said this is only the “land use designation” for the *future vision* for development. CM Korn said this wording should be put in writing and uploaded to the website.

Tod said this process is a State mandate. This amendment will get Malabar back into compliance. At a subsequent meeting you can do another change. If this amendment is not approved, we will continue to be out of compliance. You can do small scale or large-scale amendment in the future. Having a vision doesn’t mandate that particular use. Re: the piece by Goat Creek the case could be made either way – you look at the environment around the area, in this case, you have Goat Creek, so it would be considered compatible for such a designation. Good government says let the public participate. Take action on this Amendment to the map and the text changes agreed to by Council.

CM Rivet – this is setting the land use plan for the future zoning requests. There is a lot of money to be made and they are not going to sit around. The minor change is not – the land use to RLC for 1320 to 660 was not a minor change. Not to those people. You lost that support for that plan when you made those changes.

Atty said we can accomplish a lot of things with a developer’s agreement. Not at this time. Attorney stated that the Town would put the onus on building roads on the developers not on the Town.

**Roll Call VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Nay; CM Korn, Aye; CM White, Aye. Motion carried 4 to 1.

Mayor thanked P&Z and Council, the Planner and Debby. He reviewed and worked with Debby on the text.

**K. UNFINISHED BUSINESS/GENERAL ORDERS**

**L. ACTION ITEMS:**

**ORDINANCES for FIRST READING: 0**

**RESOLUTIONS: 1**

**4. Adopt the Florida Sandhill Crane as the Official Malabar Bird (Reso 08-2019)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE FLORIDA SANDHILL CRANE AS THE TOWN BIRD AND PROVIDING EXTRA PROTECTION FOR THESE BIRDS; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2

**Recommendation:** Approve First Reading of Ord 2019-05

**MOTION:** CM Ball / CM Vail to adopt Reso 08-2019.

Discussion: CM Korn how do you provide extra protection. Atty said we have very little room to provide extra protection. These birds are important to the Town. Perhaps make an ordinance on protecting.

CM White said emphasis on education. CM Ball agrees. Questioned point #3 are we making a legal statement with that. No, don’t make it like they are a criminal if they accidentally encounter them.

**Roll Call VOTE:** CM Ball, Aye; CM Vail, Aye; CM Rivet, Aye; CM Korn, Aye; CM White, Aye. Motion carried 5 to 0.



**MISCELLANEOUS: 0**

Chair excused the Attorney and Planner at this time.

**M. DISCUSSION/POSSIBLE ACTION:****N. PUBLIC COMMENTS: General Items (Speaker Card Required) none**

Mayor recognized Clerk to speak:

- We have received the information needed to make a recommendation to Council regarding the restriction on ad valorem placed by Special Law 74-380. Because of the timeline requirement Staff would recommend that Council first put the question to the voters to increase the ad valorem millage beyond the limit set by the Special Law, and if the results are in the affirmative to increase the ad valorem millage then for the *next fiscal year* (FY 2020/2021) budget Council could vote to set the millage beyond that restriction to fund the Capital Improvement Projects that have been identified and prioritized.
- This means for the FY 2019/2020, we will work with the maximum ad valorem millage possible as restricted by Special Law 74-380. In rough numbers that would be an additional \$49,000.00

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

CM Ball: the budget process – get into it hot and heavy and pay a lot of attention to that. Last year we said we were going to work on drainage and have done a good job. If we want the residents to come up with more millage, then we must do a scripted paper - or offer them a choice – such as fish or steak.

CM Vail: how much have we put in the reserves for the last ten years  
How much does it cost to pave a road – voting by district. He doesn't think anyone votes by district. Voting by districts keeps the same results. On the millage increase-his intent is to set aside for specific tasks. Workshop stuff.

CM Rivet: he stated there is a group of residents in District 3 have been treated poorly. Think we made the wrong decision with the Comprehensive Plan Amendment. He supported the FLUM until the last meeting. Investigate going back to at large voting.

CM Korn: His priority has always been the health, safety and welfare of the residents and property owners of Malabar. He understands the needs quite well and there are many good concerns. On the budget – he supports the vote to increase the millage rate beyond the limit imposed by Special Law 74-380. We will allocate the funds to specific projects. Have a responsibility to provide for the health, welfare and safety for the people and the property and the infrastructure. He went down Atz Road, on the north side they are not being mowed because of wires in the ditch. He understands that ATT has been contacted. Asked the Chair if a Motion from Council would underscore the significance of this request. Franklin said both TA and Denine have been in contact with the utilities. The other thing is he saw a homeowner working on Cason Lane. There are at least five roads where homeowners are making improvements. Do we need a policy?

CM White: He volunteered to serve on the advocacy group for Transportation. They will meet four times a year. He may get some insight on how the SR514 widening to Working with Dorthea on sandhill cranes. He does care about all the residents. He would support going back to at large. He does what he thinks is right. Object to being said that he would have voted differently.



Mayor: Went to the Mayor's Breakfast last Friday. It is an annual event. All 16 Mayors from the County attend and have five minutes to share what is going on in each city. He reported that Malabar had 21 new homes in the last year and that Malabar had been named a Trail Town by the State. The Sheriff is the emcee of the event and some of the Mayors get a little roasting.

For the newsletter, he got Ace Hardware to do a write up. He was going to also write an article about the cost Malabar pays for the railroad crossing maintenance at Jordan Boulevard. Together Harris Corporation and Data Management pay over \$28,000.00 in property taxes annually. He recommends Council consider setting aside their ad valorem to be available when the big bill comes from FEC every seven years.

CM Korn said he heard that other areas can get State or County to pay for fire protection within the conservation areas. We should investigate that possibility.

**P. ANNOUNCEMENTS:** Openings on Board of Adjustment and Park and Recreation Board.

**Q. ADJOURNMENT:**

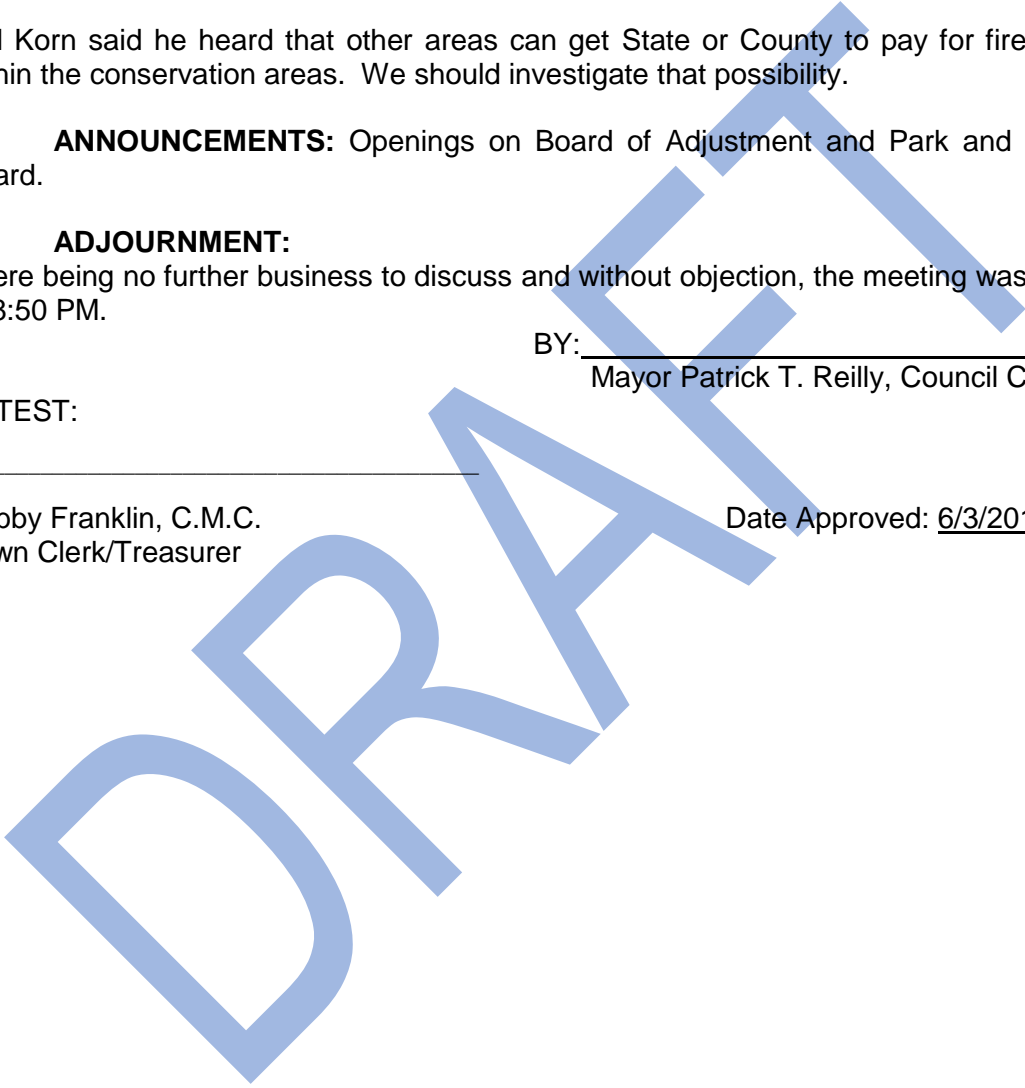
There being no further business to discuss and without objection, the meeting was adjourned at 8:50 PM.

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

ATTEST:

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

Date Approved: 6/3/2019



# TOWN OF MALABAR

## MEMORANDUM

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**Date:** February 5, 2019 **REVISED May 28, 2019** 2019-TC/T-001  
**To:** Honorable Council, Mayor Reilly  
**From:** Debby K. Franklin, C.M.C., Town Clerk/Treasurer  
**Ref:** Calendar for 2019 Meetings & Holidays

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For your planning purposes, the schedule of Council meetings, proposed workshop dates and holidays are listed below.

The budget timeline is established by the State. We receive the Certification of Taxable Value on July 1 and must report to the Property Appraisers by *August 5 what the tentative millage will be* and when we will hold the 1<sup>st</sup> Public Hearing on the budget. The Budget workshop and PH dates proposed are just estimates at this time.

Jan 01, 2019 CLOSED for New Year's Day Holiday  
Jan 07, 2019 – RTCM  
Jan 21, 2019 – CLOSED for Martin Luther King Jr. Holiday  
Feb 04, 2019 – RTCM  
Feb 18, 2019 – CLOSED for Presidents Day Holiday  
Feb 25, 2019 – 7:00pm Special Mtg followed by a 7:30pm Workshop PW & SW projects  
March 04 & 18, 2019 RTCM  
April 01 & 15, 2019 RTCM  
April 29, 2019 Workshop  
May 06 & 20, 2019 RTCM  
May 27, 2019 – CLOSED for Memorial Day Holiday  
June 03 & 17, 2019 RTCM 6/17/19: Approve Audit Report on FY 2018  
June 24, 2019 Preliminary Budget workshop – ref questions, impact fees, CIP funding  
July 01 & 15, 2019 RTCM

July 04, 2019 – CLOSED for Independence Day Holiday  
**July 29, 2019 – Budget Workshop**  
Aug 05 & 19, 2019 RTCM

Aug 12 & 26, 2019 for Budget Workshops

Sept 02, 2019 - CLOSED for Labor Day Holiday

Sept 09 & 23, 2019 RTCM – SET dates for 1<sup>st</sup> & 2<sup>nd</sup> reading on Millage and Budget

Oct 07 & 21, 2019 RTCM  
Nov 04 & 18, 2019 RTCM and Nov 7, 2019 for Special post-election mtg  
Nov 11, 2019 – CLOSED for Veteran's Day Holiday  
Nov 28 & 29, 2019 – CLOSED for Thanksgiving Holiday  
Dec 02 & 16, 2019 RTCM

**The Federal holidays for 2019 are as follows:**

01/01/2019 – Monday, New Year's Day	11/11/2019 - Veterans Day
01/21/2019 – MLK Jr.	11/28/2019 - Thanksgiving
02/18/2019 – Presidents Day	11/29/2019 day after T-day
05/27/2019 – Memorial Day	12/24/2019- half day for Eve
07/04/2019 – Independence Day	12/25/2019 - Christmas Day
09/02/2019 – Labor Day	12/31/2019 – half day for Eve
	01/01/2020 – New Year's Day

# TOWN OF MALABAR

## MEMORANDUM

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**Date:** May 24, 2019 revised 19-AABO-012  
May 15, 2019

**To:** Town Council  
Debby Franklin, Town Clerk/Treasurer

**From:** PZ Board  
Denine M. Sherear, Administrative Assistant to the Building official DS

**Ref:** Recommendations to Council from P & Z Board "Sign Ordinance"

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The Planning and Zoning Board discussed the "Sign Ordinance" for several months and made a formal "Action" at the regular PZ Meeting of 4/24/2019.

The Motion was as follows:

**Motion: Ritter /Dial To Recommend Council Approve the Sign Ordinance as revised by Planning and Zoning on 04/24/2019.**

**Roll Call Vote: Foster; Aye, Abare; Aye, Ritter; Aye, Hofmiester; Aye Dial; Aye.**

**Motion passed 5 to 0**

### ATTACHMENTS:

- Draft Minutes of April 24, 2019
- Sign Ordinance of 2019

**“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  
APRIL 24, 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 Chair Wayne Abare

**B. ROLL CALL:**

CHAIR: WAYNE ABARE  
VICE-CHAIR: LIZ RITTER  
BOARD MEMBERS: GEORGE FOSTER  
DOUG DIAL  
MARY HOFMEISTER  
ALTERNATE: ALLEN RICE  
ALTERNATE: DOUG HOYT, ABSENT  
BOARD SECRETARY: DENINE SHEREAR

ADDITIONAL ATTENDEES:

COUNCIL MEMBER: none

**C. ADDITIONS/DELETIONS/CHANGE:**

**D. CONSENT AGENDA:**

- 1. Approval of Minutes** Planning and Zoning Meeting – 04/10/2019  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval

**Motion: Ritter/Hofmeister Recommend Approval of Minutes of 04/10/2019 as amended All  
Vote: Aye**

Abare made corrections:

- on page 4 of 4/24/2019 PZ Packet under “2” revise sentence after 4/1/2019 Regular Council Meeting ... and summarized the process that PZ Board used to get to “Final Draft Addition” of Sign Ordinance.....
- Page 4 of 4/24/2019 PZ under “2” 2<sup>nd</sup> sentence .... Council had two not three issues to review for PZ to revise for “sign Ordinance” and send back to Council. Abare referenced Debby Franklins memo that the refresh rate/ flashing of signs is one issue & sentence the Attorney suggested to strike is second issue for clarification purposes.
- Page 4 of 4/24/2019 3<sup>rd</sup> sentence under “2” clarify sentence The Board continued to review “Clean Copy” of Sign Ordinance to Recommend for Councils approval.
- Page 4 of 4/24/2019 PZ Packet under “2” revise 4<sup>th</sup> sentence to read as follows: Abare said two members stated the refresh rate was not in the Sign Ordinance and the attorney discussed at the Council Meeting of 4/1/2019 the refresher rate was not in the Sign Ordinance that was presented to Council. The PZ Board discussed different seconds for the refresher rate and the minimum refresh rate for electronic signages.

- Bottom of page 4 under "Motion" Abare asked for a final clean copy of Sign Ordinance for next Meeting and present back to PZ on 4/24/2019 and make an "action Item" with all color, underlines, strike-outs, and bold type removed.
- Page 5 of 4/24/2019 PZ Packet under "3" replace "Mayor" as a resident "Pat"

Abare made corrections on page 5 of 4/24/2019 last paragraph first sentence:

- Talk = talked
- 3<sup>rd</sup> & 4<sup>th</sup> sentence that start with Abare delete.
- Add the following to the end of paragraph for clarification purposes "It (the Overlay) is a valuable zoning tool to fix or enhance an area."

E PUBLIC:  
F. ACTION: 1

2. **Recommendation from Council to Review Article XIX "Signage Regulations" of proposed Ordinance 2019-XXX in the Land Development Code for Final Review**

**Exhibit:** Agenda Report No. 2  
**Recommendation:** Action

Abare thanked the PZ Board for everyone having a part in working very hard on the Sign Ordinance.

The Board discussed the final copy and made any necessary changes suggested, per Council & Town Attorney.

The Board suggested that the refresher rate for illuminate signs was a minimum of six (6) seconds and strike out the sub section # (8) under "Sign Type" Outdoor Display, as recommended by Town Attorney as it conflicts with the Supreme Court ruling.

Ritter/Dial suggested change on page 18 of PZ Meeting on bottom "Sign Regulations Within Non-Residential Zoning Districts (2)" Chart

- change second ~~Accessory~~ to **Temporary** and under that put **Snipe/Signs**
- Page 19 top chart add to "Special Regulations" **footnote 7**
- **Foot Note #7 Minimum distance between temporary sign shall be 20 feet.**

The Board discussed Temporary Signs to clarify chart and verbiage.

**Motion: Ritter/Dial To Recommend Council Approve the Sign Ordinance as revised by Planning and Zoning on 04/24/2019.**

**Roll Call Vote: Foster; Aye, Abare; Aye, Ritter; Aye, Hofmiester; Aye Dial; Aye.**

**Motion passed 5 to 0**

Ritter/Abare suggested that a clean copy of "Sign Ordinance" sent to Debby Franklin and she can pass on to Council to read & when they are ready they can put it on their Agenda.

Abare suggested the May 8, 2019 Meeting Cancelled unless needed.

G. DISCUSSION: 0  
H. ADDITIONAL ITEMS FOR FUTURE MEETING  
I. PUBLIC:

**J. OLD BUSINESS/NEW BUSINESS:**

Old Business:

New Business:

Sherear commented that a Land Use/Zoning Change will be coming before this Board, east of Railroad tracks on north side of Malabar Road. This will be strictly for the Land Use/Zoning Change only.

- Board Member Comments - none
- Next Regular Meeting- May 8, 2019 Cancelled

**Mary & Doug may not be here at Meeting of 5/8/2019**

**K. ADJOURN**

There being no further business to discuss

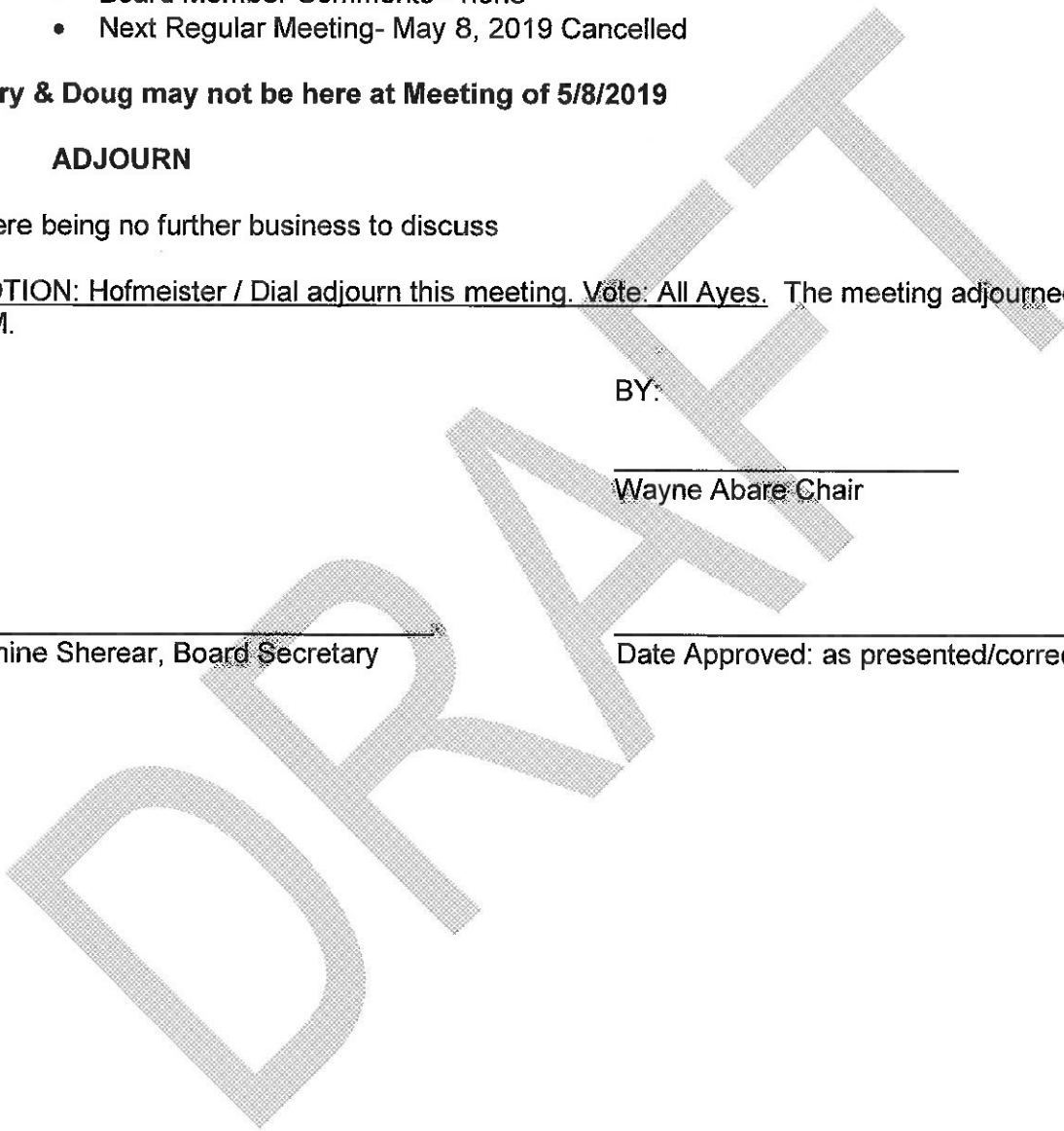
MOTION: Hofmeister / Dial adjourn this meeting. Vote: All Ayes. The meeting adjourned 8: 49 P.M.

BY:

\_\_\_\_\_  
Wayne Abare Chair

\_\_\_\_\_  
Denine Sherear, Board Secretary

\_\_\_\_\_  
Date Approved: as presented/corrected:



ORDINANCE 2019-XXXX

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY; AMENDING 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 PERMIT, 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, 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, historically 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" × 2¼", maximum 3" × 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 permit, certificate, and license fees.**

A. *Status of Fees Required for Signs.* Fees for the issuance of sign permits or certificates and annual licenses 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 licenses 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	Roof line of building	Detached: 25 ft.	Roof line of

Height		Others: Roof line of building	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

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.

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



301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

TO: Key Official

FROM: Michael Sittig, Executive Director 

DATE: May 13, 2019

SUBJECT: 93rd Annual FLC Conference  
VOTING DELEGATE INFORMATION  
August 15-17, 2019 – World Center Marriott, Orlando

TOWN OF MALABAR

MAY 22 2019

RECEIVED

The Florida League of Cities' Annual Conference will be held at the World Center Marriot, Orlando, Florida on August 15-17. This conference will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida for 2018.

Conference registration materials will be sent to each municipality in the month of June. Materials will also be posted on-line. Call us if you need additional copies.

If you have any questions on voting delegates, please call Eryn Russell at the League (850) 701-3616. **Voting delegate forms must be received by the League no later than August 9, 2019.**

Attachments: Form Designating Voting Delegate

President **Leo E. Longworth**, Mayor, Bartow

First Vice President **Isaac Salver**, Councilman, Bay Harbor Islands • Second Vice President **Tony Ortiz**, Commissioner, Orlando

Executive Director **Michael Sittig** • General Counsel **Kraig Conn**

**93rd Annual Conference  
Florida League of Cities, Inc.  
August 15-17, 2019  
Orlando, Florida**

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified.

**Designation of Voting Delegate**

Name of Voting Delegate: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality of: \_\_\_\_\_

**AUTHORIZED BY:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Return this form to:

Eryn Russell  
Florida League of Cities, Inc.  
Post Office Box 1757  
Tallahassee, FL 32302-1757  
Fax to Eryn Russell at (850) 222-3806 or email [erussell@flcities.com](mailto:erussell@flcities.com)



# **Important Dates**

## **May 2019**

Notice to Local and Regional League Presidents and Municipal Associations  
regarding the Legislative Committee and Resolutions Committee

## **June 2019**

Appointment of Legislative Committee and Resolutions Committee Members

## **July 10th**

Deadline for Submitting Resolutions to the League office

## **August 15th**

Legislative Policy Committee Meetings  
Voting Delegates Registration

## **August 16th**

Legislative Committee and Resolutions Committee Meetings

## **August 17th**

Immediately Following Breakfast – Pick Up Voting Delegate Credentials  
Followed by Annual Business Session