

ORDINANCE 2018-06 (transmittal approved 10/1/18)

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.

WHEREAS, Malabar updated its Comprehensive Plan in full in 2010 and Florida Statute 163 requires local governments to evaluate its Comprehensive Plan every seven and notify the State if further changes are required; and

WHEREAS, Malabar submitted its Comprehensive Plan Amendment to the State and other reviewing agencies on October 1, 2018 and received two recommendations back from the State which they incorporated in this amendment; and

WHEREAS, it is Council's intention to adopt this Comprehensive Plan amendment to satisfy the requirements of the State by updating the Future Land Use Map and the text in four of the nine Elements that make up the Comprehensive Plan; and

WHEREAS, it is Council's intention to adopt the Comprehensive Plan Amendment with the recommendations from the State incorporated.

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

Section 1. That the Comprehensive Plan Amendment 2018-01ER large scale amendment (LSA) is attached as Exhibit "A".

Section 2. It is the intention of the Malabar Town Council to adopt the amendment to the Comprehensive Plan. The Clerk of the Town is hereby directed to incorporate the approved Comprehensive Plan Amendment into the Comprehensive Plan of the Town.

Section 3. Town Staff is directed to send three full copies of the adopted amendment to the State Department of Economic Opportunity and one copy each to the Saint Johns River Water Management District and the Department of Environmental Protection.

Section 4. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

Section 5. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the

date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective

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

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

This ordinance was then declared to be duly passed and adopted this 20th day of May, 2019.

TOWN OF MALABAR

original signed
Mayor Patrick Reilly, Council Chair

P&Z Board Review: 9/12/18
Transmittal Council Reading: 10/01/18
Adoption Second Reading 5/20/19

Approved as to form and legal sufficiency by:

Karl W. Bohne, Jr.
Town Attorney

ATTEST:

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